

Also, petition of National Wholesale Dry Goods Association, for reduction of duty on oilcloths and linoleum—to the Committee on Ways and Means.

Also, petition of D. Anerbach & Sons, against the duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Farm Life, for free lumber—to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of Cairo Retail Grocers and Butchers' Association, opposing tax on oleomargarine—to the Committee on Ways and Means.

Also, resolutions of legislature of Illinois, urging tariff on zinc—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., opposing duty on tea and coffee—to the Committee on Ways and Means.

SENATE.

SATURDAY, April 10, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

On request of Mr. KEAN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The VICE-PRESIDENT. Without objection, the Journal is approved.

THE TARIFF.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, in which it requested the concurrence of the Senate.

Mr. ALDRICH. I ask that the bill from the House be laid before the Senate.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was read twice by its title.

Mr. ALDRICH. I ask that the bill be referred to the Committee on Finance and printed, and that 2,000 extra copies be printed for the use of the Senate document room.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? No objection is heard, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry manufacturers of gloves of New York City, N. Y., praying for the imposition of a high rate of duty on all gloves imported into the United States, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, Massachusetts, Connecticut, Indiana, Illinois, Pennsylvania, Wisconsin, Michigan, Ohio, Minnesota, Rhode Island, Nebraska, Georgia, Iowa, New Jersey, and Texas, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented the petition of Cornelius Kahlen and George Staber, of New York City, N. Y., praying that a duty not to exceed 25 per cent ad valorem be placed on imitation onion-skin paper, calendared or uncalendared, which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the League of Cook County Women's Clubs, of Illinois, remonstrating against the duties to be assessed under the new tariff bill, known as the "Payne bill," upon articles of wearing apparel, particularly leather gloves and cotton hosiery, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Crab Orchard, Chicago, Assumption, Monmouth, Wyand, Carpenter, Mount Vernon, Jacksonville, Kangley, Ladd, Streator, and Freeport, all in the State of Illinois, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a memorial of the Business Men's Association of Jacksonville, Ill., remonstrating against the proposed increase of the duty on hosiery and gloves, which was referred to the Committee on Finance.

He also presented a memorial of the Live Stock Exchange of Chicago, Ill., remonstrating against the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. SHIVELY presented petitions of Local Lodges Nos. 625, 805, 471, 365, 826, 245, 500, 796, 143, 768, 1012, 446, and 576, of Hartford City, Huntington, Wabash, Peru, Bedford, Muncie, Valparaiso, Bluffton, Lafayette, Portland, Goshen, Tipton,

Bloomington, and Noblesville, all of the Benevolent and Protective Order of Elks, in the State of Indiana, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FRYE presented petitions of sundry citizens of Augusta, Manchester, Hallowell, Auburn, and Lewiston, all in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of Ware and Lawrence, in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boston, Attleboro, Chelsea, Chestnut Hill, Holliston, Milford, Malden, New Bedford, Pittsfield, Stoneham, Upton, Holyoke, Lowell, Chicopee, Natick, Quincy, Somerville, Cambridge, Worcester, South Yarmouth, East Bridgewater, North Raynham, Fall River, Lawrence, Mansfield, Springfield, Chicopee Falls, Athol, Provincetown, Brookline, Haverhill, Everett, Hanover, Westfield, Baldwinville, West Medford, East Wareham, Revere, Cliftondale, Rockport, Medford, Brockton, Nantucket, Lynn, Sharon, Palmer, Clinton, Fitchburg, Pigeon Cove, East Taunton, Orange, Indian Orchard, Salem, Ayers Village, North Andover, Concord, Yarmouth, Cheshire, Kingston, Ipswich, Dalton, Greenfield, Webster, Walpole, Newburyport, Peabody, Foxboro, North Attleboro, Newtonville, Taunton, Leominster, Barnstable, and North Adams, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of Local Lodge No. 604, Benevolent and Protective Order of Elks, of Grand Island, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying that an appropriation of \$500,000,000 be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

Mr. STEPHENSON presented a petition of Printing Pressmen's Local Union No. 7, American Federation of Labor, of Milwaukee, Wis., praying for an increase of duty on post cards, which was referred to the Committee on Finance.

Mr. DOLLIVER presented petitions of sundry citizens of Vinton, Iowa, praying for a reduction of the duty on dry goods, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Emmetsburg, Dubuque, Glenco, and Waukon, all in the State of Iowa, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of Local Lodges Nos. 418, 290, 407, 428, 563, 531, of Charles City, Waterloo, Perry, Le Mars, Boone, and Council Bluffs, all of the Benevolent and Protective Order of Elks, in the State of Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Club of Council Bluffs, Iowa, praying for the passage of the so-called "children's bureau" bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the Jobbers and Manufacturers' Association of Fort Dodge, Iowa, praying for the enactment of legislation granting to the shipper the right to route his own freight, and also granting to the Interstate Commerce Commission the power to stop, in its discretion, advances of rates, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Clinton, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of Local Lodge No. 604, Benevolent and Protective Order of Elks, of Grand Island, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMITH of Michigan presented a memorial of sundry citizens of Allenville, Mich., and a memorial of sundry citizens of Holland, Mich., remonstrating against the imposition of a duty

on tea and coffee, which were referred to the Committee on Finance.

Mr. ROOT presented petitions of sundry citizens of Syracuse, Cooperstown, New York City, Brooklyn, Mount Vernon, New Rochelle, Port Chester, Oswego, Belfast, Constable, Waterport, Lyndonville, Peruville, Canandaigua, Fulton, Corning, Niagara Falls, Mexico, Staten Island, and Newburgh, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Troy and Waterville and of the board of supervisors of Rensselaer, all in the State of New York, remonstrating against any reduction of the duty on collars and cuffs, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on lithographic products, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the retention of the proposed duty on bichromate of potash and bichromate of soda, which was referred to the Committee on Finance.

He also presented a memorial of E. H. Thompson Grocery Company, of Watertown, N. Y., remonstrating against the imposition of a duty on tea, which was referred to the Committee on Finance.

He also presented a memorial of Local Lodge, International Brotherhood of Paper Makers, of Watertown, N. Y., and a memorial of St. Regis Local Union No. 45, International Brotherhood of Paper Makers, of Deferiet, N. Y., remonstrating against the proposed reduction of the duty on print paper, which were referred to the Committee on Finance.

He also presented petitions of Local Grange No. 1137, Patrons of Husbandry, of Rushville; of Frank B. Monagle, of Rushville; of Local Grange, Patrons of Husbandry, of Canandaigua; and of Local Grange No. 542, Patrons of Husbandry, of West Parishville, all in the State of New York, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for a reduction of the duty on window and plate glass, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Hartwick, N. Y., praying that the duty on hops imported into the United States from foreign countries be increased from 12 to 20 cents per pound, which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 311, Cigarmakers' International Union, of Albany, N. Y., and of Local Union No. 2, Cigarmakers' International Union, of Buffalo, N. Y., remonstrating against the importation of cigars from the Philippines free of duty, which were referred to the Committee on Finance.

He also presented a petition of Local Grange, Patrons of Husbandry, of Ontario, N. Y., praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Travelers' League of New York City, N. Y., and a petition of the Travelers' Defense Association of Boston, Mass., praying for the adoption of an amendment to paragraph 697 of the present tariff law, allowing Americans returning to this country to bring in with them, free of duty, personal effects to the value of \$500 or \$600, which were referred to the Committee on Finance.

He also presented a petition of the Eastern New York Bee Keepers' Association, praying for an increase of the duty on honey imported into the United States, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of New York City and Brooklyn, all in the State of New York, remonstrating against an increase of the duty on gloves, which were referred to the Committee on Finance.

He also presented a petition of sundry employees of Otto Yeisler Company's leather mill, of New York, praying for a duty of 20 per cent on leather used in the manufacture of gloves, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 1598) granting an increase of pension to Greenleaf D. Farnum;

A bill (S. 1599) granting an increase of pension to Charles H. Miner (with the accompanying papers); and

A bill (S. 1600) granting an increase of pension to Edward

M. Savage (with the accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 1601) to establish a fish-cultural station in the State of Kentucky, near the city of Frankfort; to the Committee on Fisheries.

By Mr. MONEY:

A bill (S. 1602) for the relief of the estate of John Fleming, deceased;

A bill (S. 1603) for the relief of the estate of George M. Coker, deceased; and

A bill (S. 1604) for the relief of Abner P. Bush; to the Committee on Claims.

By Mr. FRYE:

A bill (S. 1605) authorizing the appointment of Col. J. H. Gilman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the army (with the accompanying paper); to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 1606) granting a pension to Thomas Powers; to the Committee on Pensions.

A bill (S. 1607) to provide for the purchase of a site and the erection of a public building thereon at Fort Atkinson, Wis.; and

A bill (S. 1608) for the erection of a public building at Menomonie, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 1609) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirty-ninth street NW.; to the Committee on the District of Columbia.

A bill (S. 1610) granting an increase of pension to Margaret L. Graham (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—EDWIN A. CHASE.

On motion of Mr. CURTIS, it was

Ordered, That there may be withdrawn from the files of the Senate the papers in the case of Edwin A. Chase (S. 5541, 60th Cong.), there having been no adverse report thereon.

THE CENSUS.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the calendar, which is House bill 1033.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. The pending question is on the amendment to section 7.

Mr. SCOTT. I observe that the chairman of the committee is not in the Chamber. In fact, I do not see any member of the committee present.

Mr. CUMMINS. There is one member of the committee here.

Mr. KEAN. The Senator from North Dakota [Mr. McCUMBER] and the Senator from Iowa [Mr. CUMMINS] are here.

The VICE-PRESIDENT. If there be no objection, the Secretary will read the pending amendment?

The SECRETARY. In section 7, page 4, line 24, after the word "employees," it is proposed to strike out the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and to insert "except the private secretary to the director," so as to read:

That the additional clerks and other employees, except the private secretary to the director provided for, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. On page 5, line 2, after the word "in," strike out "section" and insert "sections 3 and," so as to read:

Provided for in sections 3 and 6 shall be subject to such special test examinations as the Director of the Census may prescribe.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "rating," to insert the following proviso:

Provided, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the words "Provided, however," to strike out the following words:

That when the exigencies of the service require, preference may be given to eligibles who by reason of residence or other conditions are immediately available; and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said director, who may, in his discretion, accept such records in lieu of said examination.

And in lieu thereof to insert:

That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil-service examination.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to strike out the words "Bureau of the" before the word "Census," and after the word "Census" to insert the word "Office."

The amendment was agreed to.

The VICE-PRESIDENT. This completes the amendments of the committee. The bill is still as in Committee of the Whole and open to other amendments.

Mr. BURKETT. In section 8, on page 7, after the word "Navy" in line 21, I move the amendment which I send to the desk. It is the same amendment that we put in the last bill in reference to the enumeration of deformed and crippled persons.

Mr. LA FOLLETTE. Has the Senator the reprint of the bill before him?

Mr. BURKETT. I have the print I had yesterday.

Mr. LA FOLLETTE. I suggest that he turn to the reprint of the bill, so that his amendment will conform.

Mr. BURKETT. It would be line 24, on page 7, in the reprint.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 7, line 24, after the word "Navy," it is proposed to insert the words:

And if under 18 years of age whether ruptured, crippled, or deformed.

Mr. LODGE. I do not understand to what that applies.

Mr. BURKETT. This is the amendment the Senate put in when the bill was up before, with reference to enumerating crippled and deformed children. This schedule provides for the enumeration of certain persons, giving their condition, age, sex, and so forth. The amendment provides for the enumeration of crippled and deformed.

Mr. LODGE. Separately from the others?

Mr. BURKETT. Yes; separately. It is a new provision providing for that matter.

The amendment was agreed to.

Mr. CUMMINS. I wish to call attention to line 6, on page 10, in section 9, which escaped my attention in committee. It seems to me that the words "the Hawaiian Islands" ought to be stricken out. I understand that the Hawaiian Islands now constitute a Territory of the United States and are included in the word "Territory" in line 5. I therefore move to strike out the words "the Hawaiian Islands."

The VICE-PRESIDENT. The Secretary will read the amendment submitted by the Senator from Iowa.

The SECRETARY. On page 10, line 6, after the word "Alaska," it is proposed to strike out the words "the Hawaiian Islands."

Mr. KEAN. The same amendment, I think, should be made elsewhere.

Mr. CUMMINS. This is line 6, on page 10. I do not believe that there is any political subdivision of the United States known as the "Hawaiian Islands."

Mr. KEAN. I think the Senator is absolutely right. I asked the Senator from Wyoming [Mr. CLARK] also to look up the provision in regard to Porto Rico. I do not know whether he has done so or not. That island does not have a territorial form of government, I understand.

Mr. NELSON. Porto Rico is not in the condition that Hawaii is. It is not a full-fledged Territory under the statute.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. CUMMINS. The same correction ought to be made in lines 9 and 10, on page 10. I move to strike out the words "and the Hawaiian Islands" and to insert a comma after the word "Alaska," in line 9.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, line 9, after the word "Alaska," strike out the words "and the Hawaiian Islands."

Mr. KEAN. I do not understand that exactly.

Mr. LODGE. As I understand the provision—the chairman, I see, is engaged—it is to enable them to get these particular officers appointed early on account of the great distance of the islands under our jurisdiction.

Mr. KEAN. That is what I understood.

Mr. LODGE. It would delay the entire census in the islands. I call the attention of the chairman of the committee to the amendment, which is to strike out the words "and the Hawaiian Islands," on page 10, lines 9 and 10.

Mr. BAILEY. Mr. President, I desire to submit a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I desire to ask what disposition has been made of section 7.

The VICE-PRESIDENT. All the committee amendments to that section have been disposed of. The bill is now as in Committee of the Whole for the consideration of any amendments.

Mr. BAILEY. Then, of course, I am still permitted to submit a motion to strike out section 7 and insert a substitute?

The VICE-PRESIDENT. Certainly.

Mr. BAILEY. That I propose to do.

Mr. CUMMINS. In order to meet the suggestion of the Senator from Massachusetts, I suggest that instead of the words "Hawaiian Islands" there be inserted the words "Territory of Hawaii."

The VICE-PRESIDENT. The Senator from Iowa withdraws his previous amendment and submits an amendment, which will be stated by the Secretary.

The SECRETARY. On page 10, lines 9 and 10, strike out the words "Hawaiian Islands" and insert in lieu the words "Territory of Hawaii."

Mr. LA FOLLETTE. I do not understand that that makes any delay at all. I understand that the Hawaiian Islands are now a Territory.

Mr. CUMMINS. That is exactly what I intended to describe by this substitution, making it read the "Territory of Hawaii," instead of the "Hawaiian Islands."

Mr. LA FOLLETTE. Under either phraseology the matter would be taken care of. I do not see any objection to the adoption of the amendment.

The amendment was agreed to.

Mr. DILLINGHAM. Mr. President, yesterday, when the amendment in line 18, on page 3, was reached, which struck out the words "five hundred" before the word "dollars," and which in effect reduced the salary of the director from \$7,500 to \$7,000, I called the attention of the chairman of the committee to what I thought was a fact, that the salary in the last census was \$7,500. In reply he said that I was mistaken, and that the salary of the Director of the Census taken for the year 1900 was \$6,000. This is an increase, he said, of \$1,000 over the salary paid at that time.

I find, upon examination, that the impression I then expressed was well founded, because in the act of May 10, 1900, section 3, it was provided that the salary of the Director of the Census shall be \$7,500 per annum. On inquiry I find that that salary was paid to the director.

Instead of increasing the salary of the director \$1,000 over what it was in the last census, the amendment adopted by the Senate yesterday reduced it \$500 from what it was then, the House having adopted precisely the same figure that was paid in that census.

I call the Senator's attention to it in the hope that he will ask to have reconsidered that amendment and leave the salary where it was before. I think it ought to be done, owing to the fact, which is undoubtedly true, that the population of our country has increased twelve or thirteen million souls since that time; that the amount of money to be disbursed now is greater than then; and that the cost of living is greater. Almost all salaries have been increased. Therefore it would seem to me that the salary of the director of this census should be at least what it was in the past. I hope the Senator will ask to have the amendment reconsidered and that the salary will be left as it was proposed by the House.

Mr. LA FOLLETTE. Mr. President, it is true that by a special act subsequent to the census act the salary of the Director of the Census was increased to \$7,500 for the last census period. In stating yesterday that the salary had not increased I was guided by the salary as fixed in the general census act which was passed providing for the taking of that census. I was not aware, as I was not a Member of either the Senate or the House at the time, that a special act was passed later increasing the salary of the Director of the Census to \$7,500.

But notwithstanding that, Mr. President, I do not believe that that increase should be made. From time to time in many of the departments here the work is very much increased. Those who are in important official position accept that as a part of their public service. There are times when the work falls off considerably. They do not expect to have their salaries diminished at such times.

My own opinion is that the salary of \$6,000 per year is a reasonable salary to pay to the Director of the Census. It is increased by the bill for the census period to \$7,000. We have in the other departments bureau officers whose work is from time to time very much increased by some special act of Con-

gress. Take, for instance, the Bureau of Corporations. From time to time by some special legislation or by some order of the Executive its work is, perhaps, doubled. But there is not any logical reason for making an increase in the salary for such a temporary increase in work. I believe that it is unreasonable to make more than this increase in salary for the Director of the Census.

Mr. President, if salaries are to be increased for Government employees because of the increase in the cost of living which has come upon all of us, I do not think that we ought in justice to begin at the top of the scale. It is the disposition of Congress, as shown by the legislation of the last session, to increase the salaries of those who, perhaps, would feel least of all in the government service the expense incident to the increased cost of living. If we are to revise the scale of salaries for all government employees as an incident to the increase in the cost of living that has come upon us, then, I believe, we should begin with those who are paid least and not with those who are paid most.

Mr. BAILEY. Mr. President, I move to strike out section 7 of the bill and to insert in lieu thereof the matter which I have marked in the document I send to the desk. It is the whole of section 7 in the act passed by both Houses in the last Congress.

The VICE-PRESIDENT. The Secretary will read the amendment offered by the Senator from Texas.

The SECRETARY. It is proposed to strike out section 7 of the bill and in lieu thereof to insert a new section, as follows:

SEC. 7. That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said director, who may, in his discretion, accept such records in lieu of said examination: *And provided further*, That employees in other branches of the department classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination: *And provided further*, That during the decennial census period, and no longer, the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section 6 of this act: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate, and such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. BAILEY. Mr. President, the difference, or at least the essential difference, between the bill as it stands and the bill as it would stand if this amendment should be adopted would be that the appointments would be withdrawn from the operation of the civil-service law. The purpose of the bill as it has been reported by the committee is to put all of these appointments under the civil-service regulations, beginning with the highest; that is, beginning with the expert statistician and the geographer, and going down through the list to messenger boys and charwomen.

The amendment I propose allows the Director of the Census to make these appointments upon such noncompetitive examination as he may prescribe. The advocates of the civil service will perhaps insist that the difference between the two propositions is the difference between a spoils system and what they are pleased to call the "merit system."

The mistake which the advocates of a civil-service examination have always made, and which they are still making, is that they assume that under the old system of selection and appointment men obtain their offices through political influence and without merit, whereas under the present system men obtain their offices through merit and without political influence.

Neither the first nor the second branch of that proposition is true. I venture to say that under the old system, when men were appointed, if you please to call it such, under a "spoils system," a vast majority of the men who obtained these offices were as well qualified, both by character and capacity, to discharge their duties as the people who have obtained them since then under a competitive examination.

It is true that many of those who were appointed in the old time could not stand the examinations which are now prescribed, but that does not signify that they were not qualified either by intelligence or by character for the work. If no man is qualified to discharge the duties of these offices except men who are able to stand these examinations, then, I inquire, what would become of the House of Representatives and the Senate of the United States? In this body are many scholarly men; they are men who have achieved great successes in every de-

partment and vocation of life; they were eminently successful in business, great at the bar, distinguished on the bench, esteemed by their fellow-citizens in every walk of life as worthy to wear the highest honors of the Republic; and yet not 10 Members of this body can to-morrow morning successfully pass a civil-service examination with a respectable average.

Yet you tell me that, though we are deemed fit to make the laws under which the people must live and work out their destiny, men of our qualifications are not fit to hold a clerkship in the Census Office. It is an absurdity that affronts the common sense of men.

I believe, Mr. President, in education. I believe in the maintenance of schools—common schools, high schools, and universities. I believe no blessing that a father can bestow on a son, except only the blessing of a good name, is comparable to the blessing of an education. And yet I am not so foolish or so narrow as to believe that men must be educated either to be great or to be successful. I have long since subscribed to the homely statement of Patrick Henry, who said on one occasion that "natural parts are worth all the learning in the world."

I would infinitely rather have a man of intelligence and sterling force employed about any business of this Government, though he did not enjoy the benefit of an education, than to have an educated man without intelligence and without force.

But, Mr. President, while I think the civil-service advocates are mistaken even in that view, even if they are not, it is altogether too narrow for us to decide this great question with reference to it alone. The civil-service advocate looks only to the mere question of filling a particular office; and while I doubt if he can fill it any better under his system than I could under the other one, I am willing to grant that he might do so, though I call the country to witness that the administration of the Government to-day is neither cleaner nor more efficient than it was in the older and better days. But, conceding that it is, that does not end the controversy.

What results grow out of this? Two results; and each result, in my opinion, is contrary to the essential principles and genius of free institutions. As certain as the world stands the civil-service system eventuates in a life tenure of office. There is no place in a free government like ours for life tenures, save and except only the judiciary, where the Constitution has ordained it. They put the judges beyond the reach of the populace and the politician, because they believed that he was to do a work the consequence of which would project itself through centuries to come, and they wanted them to do that work "un-awed by power and unbribed by gain."

I do not quarrel with the wisdom of the Constitution that it has made the judges hold their offices for life, or, in the language of the Constitution, "during good behavior;" but I do quarrel with men who try to carry the principle of a life tenure in office beyond where the Constitution itself has established it.

Not only must the system eventuate in a life tenure, but it must likewise eventuate in an office-holding class, a class of people whose interest is apart from and sometimes in conflict with the great interest of the American people. The interest of men who eat the taxes is frequently contrary to the interest of men who pay the taxes.

Not only, sir, does it mean life tenure and an office-holding class, but those results lead inevitably to a civil-pension list. I came to Congress nearly twenty years ago, and one of the first speeches I delivered was to denounce what I believed then and I still believe is a sham and a humbug. I declared then that it would lead as unerringly as the night follows the day to a civil-pension list.

Nobody accepted that prediction as correct then. Everybody denounced it as a baseless fear; and yet, although I have not lived very long, I have lived long enough to see so distinguished and experienced a legislator as the Senator from Montana [Mr. CARTER], while defending this very system, admit that it means a civil-pension list; or else, he says, it means, and that is the same thing, that these aged and useless employees of the Government shall be left where they are with their salaries reduced. That is only another way of retiring them on a civil pension for life.

The Senator from New Hampshire [Mr. GALLINGER] says he sees no escape under it from a civil-pension list. There is not a Senator in this body to-day who expects to escape it if the policy is persevered in and extended.

Mr. President, our fathers—yes; almost our contemporaries—would have shuddered at the thought of establishing a system that in turn would establish an office-holding class, with a life tenure to be followed by a civil-pension list. The good which they expected to accomplish was to take the offices out of politics.

I am not one of the men who think politics so bad. I think you could not have a free government if you would take every-

body out of politics. There would be no contest over principles if there were no contests over offices. I have never yet been able to understand why a Senator should have a different rule applied to him when he wants this great office than one of his constituents should have applied to him when he wants a smaller office, because it happens generally that the man who seeks a smaller office seeks one in the same proportion as his intellect would bear to the intellect of the Senator who holds the higher office.

But, Mr. President, not only does this civil-service law produce these bad results to the country, but it produces a mischief to the very men who are the beneficiaries of it. It teaches them thriftlessness. It teaches them improvidence. It inculcates in them extravagance. There are very few men in this world with the providence to lay aside something out of their current earnings, even when they know that if they fail to do so they will suffer in their old age the bitter consequence of their folly.

Knowing that there is nobody to support them except themselves, how few men in the world are provident enough to subtract from their pleasures a part of their current earnings and lay it aside for their old age? Wise men fail to do it; a majority of the people fail to do it. How, then, can you expect a different method of procedure and a different habit on the part of those who have the Government's guaranty that as long as they live and reasonably behave themselves they can draw their salary from the Public Treasury? You can give a man, under the civil-service law, what salary you please, and he will spend it. If you doubt what these men will do with it, as a rule, see what the army and the navy do with theirs. They spend it because they have, written in the statute books of the country, the Government's solemn promise to take care of them when they are old and either unwilling or unable to work. There is not one man in many thousands who, assured of his support at the Government's hand, will think it worth his while to deny himself either comforts or luxuries in order to provide for his old age.

So, Mr. President, your civil-service system will breed a race of office-holding spendthrifts, and that is the inevitable result of it here and elsewhere.

Oh, but they say, if you go back to the old system you will have another saturnalia of politics. Well, the difference between that time and this is not very much of a compliment to this time. Then we had sturdy, thoroughgoing partisans, who were partisans because they believed that their party was best calculated to promote the welfare of their country. That is what made a man a Democrat or a Whig or a Republican. It was not merely that he wanted the office, but having fought the battles of his party and won a triumph, it was neither unreasonable nor unfair that he should ask to share in the fruits of a victory which he had helped to win. The very fact that these offices are open to men stimulates the interest of the citizens in every political contest, and from the very fact that the holder of the office knows that with a reversal of political control he must go back into the body of citizenship, he tries to keep touch with the citizens.

It is not so under this system. I am told—I do not know whether it is true or not, and perhaps I ought not to say it unless I know it, but it has come to me so directly that I do not doubt it—that these heads of bureaus, these petty chiefs now make it a matter of boast to tell the clerks and employees under them that Senators and Representatives are not permitted to influence their action.

I am told that they have a rule in these departments that threatens with discharge an employee upon whose appeal the Senator goes to the department to see why he was reduced in salary or in rank. I am told that they threaten every day that if our constituents appeal to us to secure just and fair treatment for them they imperil their position in the department. Was ever greater insolence than this exhibited under the old system? I think not. The difference, Mr. President, is that we have transferred the political boss into the department boss, and as between the two, I will take the political boss, who is here to-day and gone to-morrow.

Mr. President, one other thing, and I shall not further detain the Senate. I have little hope of accomplishing anything in this matter. I have been speaking against civil service ever since I have been here and I have frequently been able to get my views into a bill, but never able to keep them there. This provision was put in the other bill, but the President vetoed the bill. I want to show you what the President said about you.

Mark you, Mr. President, this question was thrashed out in both Houses of Congress. The distinguished Senator from Massachusetts [Mr. Lodge] exerted his great talents to have the civil-service law preserved in the bill which you then had under consideration. By a pronounced majority the two Houses of

Congress framed that bill precisely as I am seeking to frame it now, because, in order to avoid extraneous issues, I have taken the old provision word for word from the law, or, rather, from the bill itself—the President never allowed it to become a law—just as it passed the two Houses; and yet because you did not take the advice of the Senator from Massachusetts and other gentlemen like him—for whom I have great respect, but with whom I have very little patience on this particular question—because you did not take his advice, here is what the President said about you:

The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident—

This President, who was so incensed against the professional politicians, has more than once suspended the civil-service law to put particular individuals in an office.

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. BACON. I have seen the statement that such a thing was done 315 times by the President. I do not know whether that is absolutely accurate or not; and I have not examined the law lately; but I think there is no provision in the law which authorizes the President to make any such exceptions. He is authorized to classify people; but I do not think there is any provision of law which authorizes the President to select a certain individual and say that that man shall be put in office without the civil-service examination.

I remember that a good many years ago a similar issue was presented here, and there was some little colloquy upon the subject, and that the distinguished Senator, then representing in part the State of Connecticut, Mr. Platt, than whom there were few men better informed in the Senate, in response to a suggestion such as I now make, said that if the President had so appointed an individual in the classified service he had done so without warrant of law.

Mr. BAILEY. Mr. President, I am satisfied there is no provision of law which authorizes that procedure, and I am still better satisfied that there ought not to be one. I heard a circumstance related within the last forty-eight hours which illustrates the President's devotion to the civil-service law. I do not mean the present President, but the late President. A member of the legislature of a certain State had introduced a resolution pronouncing a fulsome eulogy on the President of the United States. When the legislature adjourned this solon found himself without employment, or, at least, without the kind of employment which he earnestly desired. So he had one of his friends take the resolution which he had introduced into the legislature of which he was a member, send it to the President of the United States, and ask for an office. The President of the United States sent word to one of the Cabinet officers to find him a place, and they found it at \$7 a day. If any Senator thinks that story without foundation let him go and ask the Senator from West Virginia [Mr. Scott] whether or not it is true. That is the man who derides the whole Congress as professional politicians, seeking patronage for their own advantage, and yet he rewards the idle and shallow legislator who spends his time in framing fulsome eulogies upon the President.

I am not a spoilsman in the sense that I think Senators and Representatives ought to control these offices, and I am on record, Mr. President, as a Member of the other House against that system. I do not believe that appointments to office bear any resemblance to the legislative function except so far as the Constitution has committed the confirmation of appointments to the Senate; and that was a departure from all the established principles of civil government before our time. Except in so far as confirmation is concerned, the appointment to an office has absolutely no semblance to a legislative function. I have always believed that the legislature, or the members of it as such, ought not to participate in appointments. In pursuance of that view, when a Member of the House of Representatives I introduced a bill forbidding any Representative to seek, solicit, or recommend an appointment and forbidding a Senator to do so, except only in a case where the President had asked his advice. No Senator here knows better than I do the perplexity and vexation that arise out of the distribution of patronage. It is true I have not had much experience in that respect. We have only had one administration of my party since I have been in public life, and they took even the fourth-class post-offices away from me before that administration was 12 months old.

During the latter part of the time if a man wanted a post-office in my district the surest and the easiest way to obtain it

was to impress the Post-Office Department with the idea that I was trying to keep him from getting it. [Laughter.] I declined to make any recommendations, doing so in a statement issued to my own people over my own signature, in which I declared that I had no influence with the department. I learned then that these things, like kissing, go by favor, and that a Senator or a Representative who possesses great influence at the departments must allow the departments to possess at least a certain degree of influence with him. The reason so many Senators from time to time are at odds with the administration is because the administration can not control them; and while the country thinks that whenever the administration issues a command all of the Members of the Senate belonging to that administration party obey it, I take pleasure in saying that that is not always true. I hope they are not going to obey the administration's command on this question. I hope that, having already voted against the application of the civil-service law to the taking of the census, they will have the firmness and the courage to repeat that vote, and that they will neither be driven by a vacillating spirit nor by the persuasion of the Executive into surrendering their views and adopting his.

I have been told that the President would veto this bill if we do not provide in it for appointments under the civil-service rules. I do not know who is authorized to say that. I certainly have not been authorized by the President to deny it, but I want to say here and now that if the President of the United States thus early in his administration is undertaking to coerce the American Congress by threats, the experience of the last seven years will be a holiday compared with what the experience of the next four years will be.

I am one of the men who expect and who sincerely hope that the present President of the United States will distinguish himself in his great office. I fervently pray that his administration will be an unmixed blessing to all the people; yet, Mr. President, I do not hesitate to say here and now that no man who ever entered upon the duties of that great office had a less desirable preparation for it than the present occupant of it. He served on the federal bench, a place where the tendency is toward a certain kind of tyranny—and inevitably so. There is scarcely a federal judge—and there are many of them upright, honest, brave, and honorable men—in these United States of twenty years' service who has not become arbitrary, irritable, and sometimes tyrannical.

It is human nature that it should be so. A great heathen philosopher said two thousand years ago that irresponsible power would corrupt the heart of any man who lived. He did not mean, and I do not mean, that it will corrupt him in the sense that it will make him venal, but it will corrupt him in the sense that it teaches him to oppose his will against all obstacles and to insist upon the prevalence of his will even over the law itself upon occasion.

This distinguished gentleman went from the federal bench to the Philippine Islands, where, without the restraint of law and without the limitation of a constitution, his single word was the will of a conquered people. He deserves the highest eulogy that human language can frame or human lips pronounce if in those surroundings he still kept burning in his heart the love of constitutional liberty and a reverence for the law as it has been written. He came from the Philippine Islands, after his long and, I will say, distinguished service there, and passed into the War Department, with absolute control over the great work which we are constructing to the south of us. He took up the work of that canal, and that he has supervised its progress as well as any man could have done I bear cheerful witness, and yet his will, and not the statutes, has governed mostly there.

I grant you that in a work like that as large a freedom and as small a restraint as is compatible with a constitutional government is the proper theory, but still the man who lives under and executes that theory is subject to its influence a long time afterwards. So, Mr. President, I say that no man ever went to a worse school in which to learn to be President of the United States than did the present occupant of the White House.

I hope—and I do not express the hope without coupling with it a belief—that morally and intellectually he has been strong enough to shield and protect himself from that baleful influence; but that hope and that expectation will be disappointed if he is sending messages to Congress, except in the ordinary and constitutional way, and threatening us with his displeasure and his veto if we dare to do what we think ought to be done and not what he wants us to do.

The Constitution of the United States gives the President of this Republic the right to tell us what he thinks we ought to do.

That same Constitution gives him the power to veto what he thinks we ought not to have done; and God knows that is power

enough for any one man ever born of woman to possess over the laws and legislation of a free country like ours. Therefore, without any special knowledge, I take the responsibility of saying that the President of the United States has not indicated by any threat that he will veto the proposed legislation if we pass it, as we did pass it less than four months ago. But whether he does or not, Mr. President, I took an oath to do my duty as I see it and not as the President of the United States sees it, and I intend to do mine in my way and leave him to do his in his way.

Mr. LODGE. Mr. President, the Senator from Texas spoke with great kindness of me in referring to the part I had taken in this debate in the last session of Congress. He knows that I entirely reciprocate that kindness, and that no one appreciates more fully than I the great force and clearness with which he discusses any subject. He said he felt great respect for myself and for those who feel as I do on this question of the civil service, and I am sure I feel the same respect for him. But he said on this question that he often grew impatient with us. There I have the advantage, for I am entirely patient with the arguments made against the civil service, a patience born of an experience of twenty years in both Houses of Congress.

I have no time, Mr. President, to enter into the old field of discussion about the merits of the civil-service system. I am obliged to leave the Chamber in a moment, and I only want to say a few words in regard to the precise point involved in this debate. I have never thought for one moment that the present system of the classified service was an ideal system that never made mistakes. I try it by no such test as that. This is a comparative world, and the test by which I try the existing classified service is in comparing it with that which it has supplanted. I think in that regard it stands as a great improvement—an improvement of the service itself and a great improvement to the political life of the United States.

In the bill pending at the last session I discussed to the best of my ability the section which the Senator from Texas [Mr. BAILEY] has sent to the desk as an amendment to the pending bill. The Senate decided against the amendment which I then offered, and which embodied the principles which are contained in the section of the bill now reported. I opposed it, not only on general grounds, as likely to give us an inferior service and to lead, as all the professional testimony proved, beyond a doubt, to a greater increase of the expenditure of public money, but I opposed it on the selfish ground of the burden that it would put upon each one of us.

Personally I think it is a great relief to be free from the demands which necessarily fall upon every Senator when a number of offices, small or large, are thrown open to what is commonly called "patronage." My own belief is and my own feeling is that to be relieved of that is a great advantage to Members of the House of Representatives and to Senators alike. They are here for rather more important duties than scrambling in the anterooms of department officers to secure employment for constituents or others.

The bill containing that clause was vetoed by the President, and no attempt was made to pass it over the veto, probably for the very good reason that the House found it could not be passed over the veto. I watched with some interest and took some pains to observe the comment on the bill and the veto. Twenty-five years ago, when I first became familiar with this agitation, there was great support in the press for the view that what is now known as the "classified service" should not be introduced; but after that veto I looked in vain for any adverse comment on the action of the President. The press of the country has become satisfied that the classified service is an improvement upon what went before. This hostility to the classified service, this keen perception of its defects, this desire to improve our service by having these fine, forcible, energetic, sturdy persons, who can not pass an examination, is confined, I think, to the two Chambers of Congress.

The bill went to the President and was vetoed. It has been reintroduced, and, as passed by the House at this session, conforms to the views laid down in the President's message. It is in that form before us at this moment. The amendment of the Senator from Texas would bring it back to the precise condition of the bill which encountered a veto.

Mr. President, I have no earthly authority to speak for the President of the United States. It does not occur to me for a moment that he would ever threaten to veto any bill until it came before him in due course from the Congress of the United States; but it is impossible to be blind to the President's attitude, as shown in all his public career. It is impossible to forget what he has said upon this subject, and, most of all, it is impossible to forget that he established in the Philippine Islands a civil service more rigid in its requirements than the one

established in the United States. His opinions have been shown not only by words but by deeds; and it is well to remember that we are sending this bill to a President whose views on this subject have been expressed and exemplified for many years past in high executive positions. From what he has said and from what he has done, everyone is at liberty to draw his own conclusions. He holds what I believe to be sound views on the treatment of the great civil service of the United States.

I hope he agrees with the action of the committee. Whether he does or not will remain to be determined by the form of the bill which is finally sent to him; but I trust, Mr. President, that Congress will not again pass a census bill containing provisions which seem to me objectionable. I think that it was demonstrated in the debate, beyond any kind of question, that under the old system as applied to the previous census, the fact that the Director of the Census was compelled to take persons whom he did not consider fit caused a waste of money which one Director of the Census estimated at \$2,000,000.

I have no time to rehearse the argument. I only ventured to take the floor for these few moments in order to express my earnest hope that the Senate will sustain the committee in the action which, I think, they have very wisely taken upon this subject.

Mr. NEWLANDS. Mr. President, when the census bill was before the Senate at the last session I supported the amendment offered by the Senator from Massachusetts [Mr. LODGE] bringing the employees of the Census Office within the provisions of the civil-service act. I am very glad to know that the bill that is now before us presents practically what was urged by that amendment.

I am opposed to the spoils system in patronage and the spoils system in projects; I am opposed to that form of the spoils system which turns over to Members of Congress, who come here to exercise the function of legislation, the additional function of aiding the appointing power in the selection of officers; I am opposed to that system of spoils in projects which sends men to the Congress of the United States to advocate the construction of a particular public building or the improvement of a particular river and harbor and to devote their entire energy to the carrying out of measures designed for the benefit of their districts alone, without view to general statesmanship. I believe that this spoils system dwarfs the statesmanship of Congress.

It is essential that somebody should pass upon the qualifications of those who intend to enter the civil service. We must all agree that the employees should possess the proper qualifications, and it is, therefore, necessary for some individual or some board to pass upon such qualifications. If we leave the thing adrift, it will result in the appointments being made by bureau officials, by heads of departments, by the President of the United States, with the active intervention of Members of Congress, for we know that under the old spoils system it was regarded as the duty of a Member of Congress to urge the claims of his constituents to positions in the civil service, and the man who did not discharge that duty was generally left at home. The result was that the energies of Members of Congress were largely employed in attendance upon the offices of officials seeking employment for their constituents, instead of in the functions of legislation. I favor the bill as it stands, therefore, because I would emancipate Congress from the necessity of attending to that kind of patronage.

I hope that in time we will go further and will absolutely abolish, or at all events mitigate, the evils of the spoils system in projects. We have done this to some extent already in connection with the canal service and in connection with the irrigation service. We determined to dig the Panama Canal, and we placed the canal service practically in the hands of the President and gave him full power of execution. Congress does not seek to interfere at all with either the appointments or the details of carrying out that great canal project.

The whole work is being done by experts appointed by the President, and these experts, possessed of all the qualifications and the experience necessary to carry out the work, are conducting it within the general lines mapped out by Congress, but without the action of Congress upon mere matters of detail and without interference in matters of appointment and employment.

When we came to the consideration of the reclamation act we took a similar course. It was, perhaps, forced upon us by necessity. When the sentiment of the country had been so educated in favor of irrigation that the country was ripe for legislation upon the subject, we men from the West found that we were divided in judgment as to the particular projects that should be entered upon, as to their relative importance, and as to the amount which should be expended upon each. We found that we were hopelessly divided upon these questions. Our

first instinct was to have these great projects entered upon just as river and harbor projects had been entered upon for years—have each project presented to Congress, referred to a committee, passed upon by the committee, with the aid of a board of engineers, and then acted upon by Congress. But we found that we were so divided as to the localities in which the works should be constructed, as to the sequence in which they should be conducted, as to the expenditures which should be made, that we concluded to declare by law that the reclamation work should commence, to establish an ample fund for the purpose from the sales of the public lands, and to give the Secretary of the Interior the power to locate the projects, to expend whatever money, within the limits of the fund, he thought necessary for the purpose, the only limitation upon his power being that no contract should be entered into unless the money for the payment of the project was in the fund.

We of the arid and semiarid West have realized the great advance made in constructive work by that act. Members of Congress are not elected there to urge Congress with respect to particular projects. They are not expected by their constituencies to bring back legislation in favor of a particular project. All these things are determined by scientific men, trained engineers, constructors, and experts, appointed by the Secretary of the Interior and acting under his direction. All that the Committees on Irrigation of both House do is to require reports of these projects, reports of expenditures, reports of plans. They occasionally inspect projects. But, so far as the initiative regarding the projects themselves is concerned, so far as the plans of and the expenditures upon the projects are concerned, the Irrigation Committees have not yet found it necessary to act. The work has been conducted with quickness, with efficiency, and with economy to the entire satisfaction of 13 States and 3 Territories.

Contrast this with the system that has prevailed regarding rivers and harbors. Contrast it with the system that has prevailed with reference to public buildings. We all know that there every project is initiated by the action of some Member of Congress in the interest of his particular district. We know that upon both those committees men are placed who are desirous of serving there for the purpose of urging a particular project. Necessarily therefore these committees are composed of men not entirely disinterested, not taking the large view of a general benefit of the country, but intent upon individual action regarding their districts and disposed to make compromises in order to secure favorable action.

How can these projects be carefully scrutinized when each man has a project before his committee, when each man knows that the success of his project depends upon the good will of his neighbor, and that the good will of his neighbor upon the committee can be secured only by supporting the project of that neighbor? So it is that the construction of public buildings of the country has become a part of the spoils system of the country, belittling the dignity of legislative action and belittling the statesmanship of the country.

I trust the time will come before long when we will organize a great bureau of architecture and of arts; when we will ally art with construction in this great work; when we will organize in connection with such a bureau a commission of great constructors and artists and architects and sculptors, who will see to it that beauty is united with utility, and who will take hold of the work of public buildings in some comprehensive way, some scientific way; who will adapt the action of Congress not to the persistency or the vigor or the urgency of a particular Member of Congress, but to the wants of the Nation itself. When that is done; we can safely enter upon an era of public-building construction in this country that will warrant an expenditure of \$25,000,000 or \$30,000,000 annually, and perhaps more; and when it is done in a scientific way, with logic, with sequence, with consecutiveness, the entire country will approve of such construction, whereas the sentiment of the country today disapproves, I believe, of the system of spoils in connection with public buildings.

Mr. BACON. Mr. President—

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I do not wish to ask the Senator a question on the direct point he is now discussing, but to recur to what he said some moments ago in reference to the proposition to adopt the pending amendment as one which he assumes is a recurrence to the spoils system.

The question I desire to ask the Senator is this: The Senator was in the Senate at the time the last census was provided for. If not, he was in the House, and is familiar with the system then adopted. Does the Senator regard the system adopted in the appointment of the clerical force of the census last time, which

was by a distribution, so far as could be practically accomplished, of the clerical force with some degree of uniformity throughout the whole country and without regard to political affiliation as pursuing the spoils system?

Mr. NEWLANDS. Mr. President—

Mr. BACON. Before the Senator answers, if he will pardon me, so that I may not interrupt him again unnecessarily, I understand the purpose of the pending amendment to be to inaugurate and put into practice a similar proceeding, by which there will be appointments of the clerical force which shall be distributed with reasonable uniformity throughout the country without regard to political affiliation or influence. Can that be said to be an advocacy of the spoils system?

Mr. NEWLANDS. I do not object, of course, to a geographical distribution of the employees in the census service, nor do I object to the selection of these officials regardless of their political affiliations. All that I do object to is the participation of Members of Congress in the selection of the employees; and unless we provide for some tribunal that is to pass upon the qualifications of the employees, if we leave the whole matter adrift, I am sure the necessary result will be that Members of Congress will be called upon by their constituents to use their influence with the Census Office for their appointment, and that in this way the spoils system will again be fastened upon Congress, and I would gladly avoid it.

Mr. BACON. I desire again to call the attention of the Senator, with his permission, to the fact that not only was the system in the selection of the clerical force ten years ago such as I have described, but there was also prescribed an examination to ascertain the qualifications. So it was not simply a matter of the arbitrary selection by a Senator or Representative. The applicants had to go before the board for examination.

Really, Mr. President, if the Senator will pardon me, the only difference between the system as it was followed ten years ago and that which is proposed in this amendment is this: Ten years ago the Civil Service Commission had no agency in the matter. The Director of the Census prescribed the examination which should be successfully passed by an applicant before he could be appointed, and he not only prescribed the examination, but he provided the machinery. Under the bill as it stands, and with the section which it is now proposed to amend, the Director of the Census again prescribes the examination, and the only agency of the Civil Service Commission is to provide the machinery for the examination. The Census Director prescribes what shall be the nature of the examination in the same way that he did ten years ago. He then not only prescribed the nature of it, but he provided the machinery. In this bill the only difference is that while he still prescribes the nature of the examination, it is enacted that the machinery for the examination shall be provided by the Civil Service Commission.

Mr. NEWLANDS. Am I to understand that under the present bill the Director of the Census can designate to the Civil Service Commission the men who are to appear before it for examination?

Mr. BACON. No; I do not say that.

Mr. NEWLANDS. It was possible, however, for him to designate them under the old system.

Mr. BACON. Yes.

Mr. NEWLANDS. Very well; that is what I object to, Mr. President. I object to the Director of the Census designating who are to appear for examination, whether that examination be conducted by a board appointed by him or whether it be conducted by the Civil Service Commission; and I object to his designating these men who are to appear before the board simply for the reason that the pressure of Members of Congress will be brought to bear upon him in the selection of the men designated. Thus we will be thrown back upon the old spoils system, which is a nuisance to Congress and a nuisance to the country.

Mr. BACON. It is a question of personal preference as to the method. The only object I had in interrupting the learned Senator was to suggest that possibly his accusation of the desire to return to the spoils system was not well founded if the system was such as was pursued ten years ago, where there was no political influence or affiliation taken into the equation.

Mr. NEWLANDS. I think we all know that ten years ago, under the old system, the services of Members of Congress were constantly called into play in the designation of employees in the census service; and it is that which I would avoid. I would emancipate Congress from that unpleasant duty. It is true there are many individuals here who would refuse to discharge that duty if they were called upon, but it is very difficult indeed to resist the importunities of constituents. It is almost impossible to do it. I am opposed to it for the principal reason that it involves Congressmen in a constant chase for petty offices.

So far as the Civil Service Commission is concerned, its methods may be wise or unwise; so far as that service is concerned, its examination may be as absurd, as they have been here characterized; but I think that all our legislation should be directed to the improvement of the method and not to the abolition of the service itself.

Mr. President, the question of the Senator diverted me from a question which I was considering, and that is the spoils system in projects. I was speaking at the time of the spoils system with reference to public buildings, which made the success regarding the construction of a public building in a particular place more dependent upon the energy, the ability, the persistency, and the negotiating power of the Member of Congress who represents the district than upon the merit of the project itself.

I wish to say a few words regarding the river and harbor system, which has been discredited before the country for years simply because of the spoils system. In every other civilized country waterway development has advanced. It has advanced throughout Europe, notably in France and Germany, and the waterways are used there in coordination and cooperation with the railways in aid of transportation, the waterways carrying the cheaper and bulkier products, in which speed of transportation is not so essential, and the railroads carrying the more expensive products, in which great value is condensed in a small space. We have indulged in desultory and spasmodic work upon the waterways of this country; and, though our expenditures have been large and individual localities have received the benefit of the expenditure of public funds, little has been accomplished of real benefit to the country at large. Public sentiment now demands that the waterways of the country shall be developed in some comprehensive way, and that that development should mean the coordination of all the services of the Government that relate to water—the cooperation of the Nation with the States, the Nation bearing its part of the work so far as it relates to navigation and irrigation of its public lands, and the States bearing their part of the work so far as it relates to the development of the system for other purposes—for the improvement of water for municipal supply, for the development of water power, and for the reclamation of swamp lands. All of these things can be considered in a great scheme for the development of our waterways, and the country is ripe for it; and yet we hesitate to create the machinery, as we have created it in connection with the Panama Canal, as we have created it in connection with the reclamation projects of the country, to carry out the development of our waterways under some broad and comprehensive plan.

I trust that before long the action of Congress will emancipate Congress from the spoils system which has been fastened upon the river and harbor improvements of the country and upon the construction of public buildings, and that we will put these works under the direction of great engineers and constructors and architects, with large powers of initiative as to particular projects and with a large and certain fund for expenditure, Congress simply marking out the general lines of action, retaining through its committees general authorization over plans and expenditures, and intervening when it sees that mistakes are being made or that extravagance is being indulged.

If we can only accomplish the emancipation of Congress from the spoils system in patronage and the spoils system in projects, the statesmanship of this body and the statesmanship of Congress in its entirety will, in my judgment, reach a higher plane.

Mr. DEPEW. Mr. President, I wish to say just one word to express my approval of the action of the committee. I do it from my own experience in this matter ten years ago. At that time a distribution was made in the way suggested by the amendment of the Senator from Texas. Under that distribution I received 12 appointments. As soon as it became known, I had 800 applications. I had no means of ascertaining by any sort of an examination the merits of the 800, so that out of them I might select 12 who could properly perform the duties of the places for which they were applicants.

But that was only the beginning of my trouble. The party organization in each one of the 61 counties of the State demanded its share of the 12 appointments. I then was confronted with the question how I could keep my party status with 61 counties and only 12 offices to assign. The net result of the whole matter was that I appointed 12 people.

When they got in office I discovered that they and their sponsors expected me to keep them there, whether or not they were efficient and competent, and when the census work was over I had the 12 on my hands, or, at least, 11 of them, for the next six months, sustaining them by various contributions while they were here in Washington, and I was besieging the various departments to find places in which they could be put with more permanence than they had had during the three years in the census.

I remember having a conversation prior to the convention of 1888 with the late Mr. Blaine. Mr. Blaine then announced to me—and he believed largely in this system of appointments to office by political considerations solely—that no President of the United States would ever be reelected, because with the constantly increasing population the offices did not grow in proportion, and therefore there would be more applicants every year than there were offices, in geometrical ratio, until the President would be overwhelmed by the defeated, who would be sufficiently strong in any election, if he succeeded in getting a re-election, to prevent his reelection by the defection they would cause in the party from the anger of themselves and of their backers.

The first sneer, I think, that I ever heard of against the civil service came from as distinguished a man as President Lincoln. I remember it very well, because we had no civil service or suggestion of it at the time, except in the army, and there the regular officers were sufficiently strong, especially after the defeats which had come from ignorant commanders, to have a sort of an examination. There was an officer who was recommended for a negro regiment, and Mr. Lincoln believed him thoroughly competent, because he had shown efficient service in the field. But the regular officers objected unless he passed an examination upon some West Point schedule, which Lincoln knew he could not succeed in passing. And so Lincoln said, with considerable acerbity:

I intend to appoint this man as an officer without regard to whether or not he can pass a civil-service examination as to the color of Julius Caesar's hair.

Now, since that time we have progressed very far and very rapidly. The first examinations of the civil service were absurd. The first steps in any new department, where officers are untrained, must necessarily be absurd.

But I think that now we have progressed to a point where there is a large degree of efficiency in the civil service, and the best part of it is the relief which Senators and Members of the House have from the duties which were imposed upon them as recently as when I entered the Senate, ten years ago. The Marble Room out there kept me at least one-half my time listening to the appeals of office seekers, no matter how long might be the session of the Senate, and I never had any leisure at home. These applicants were mostly people who were in distress. They had lost their places generally in firms or corporations, or they were dependent members of families in different parts of the country, who sent them down here to get jobs. I found, then, that it was understood all over the United States, where a breadwinner had died and where the adult members were girls and their support was falling upon their relatives, that the relatives should take this method of providing for them by sending them to Washington with letters from the local clergymen and the mayor of the town and the supervisor and the member of the legislature to the Senator, each one stating that the writer knew that if the Senator cared for him that place would be given to this most worthy applicant.

The amount of mental distress I suffered during that period from the misery of these unfortunate applicants made me more unhappy while it continued than I ever had been before in my life. I was utterly helpless. I was eternally hammering at the door of every Cabinet minister, eternally pestering and boring every head of a bureau, establishing a species of information bureau by which I could find out when a man died or a woman was discharged in order that I might get there first, so as to take care of an unfortunate and starving constituent.

Mr. President, that system has so far passed away it is very seldom now that I am called out into the Marble Room, which I call the "room of sighs," and stand upon its floor, bedewed with tears. I rarely am called out now, except on matters relating to legislation, especially during the present session of the Congress.

So, Mr. President, I hope that the committee's proposition, which I think is the result of the best experience of the last few years of the administration of our Government, will be adopted, that we may be relieved from this unnecessary work, where we can do no possible good, and the public service may be better and more efficient. Every one of us, if it were possible, would find a place in Washington under the Government for every boy or girl or man or woman who was recommended to us by our constituents. But as long as we know that there is only the possibility here and there at long intervals of a single place, and that a minor one; and when you have an army, all of whom are informed that you can get each one of them a place if you want to, to be relieved from that as a mere matter of peace of mind as well as ability to attend to your public duties, is a great gain in the public service.

I trust, therefore, Mr. President, that the proposition of the committee will be adopted.

Mr. CARTER. Mr. President, before the vote is taken, I deem it expedient to call the attention of the Senate to the difference between the bill and the bill as passed a few months since, the law as it was passed in 1899, and the provisions of the pending bill.

In the act approved in 1899 for the taking of the decennial census, section 5 made provision for such examination as was contemplated at that time. In so far as applicable, the section reads:

Subject to such examination as the director may prescribe.

It is then provided that certain employees shall not be subject to any examination.

The bill as passed by the two Houses of Congress during the last session and subsequently vetoed by the President provides, in section 7:

That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work, etc.

The bill as framed and now pending provides:

That the additional clerks and other employees provided for in sections 3 and 6 shall be subject to such special-test examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission, the examination to be open to all applicants.

And the law of apportionment shall apply.

It will be observed, Mr. President, that there is a difference between the section which we now propose to enact into law and the section of the bill vetoed by the President. It rests in this: The word "noncompetitive" was used in the vetoed bill to qualify the word "examination." For the word "noncompetitive" we substitute the two words "special test." There is no other difference in that respect.

But there is a difference in this regard, that while in both cases the examination, whatever it might be, is to be conducted by the Civil Service Commission, the examination provided for by the vetoed bill was not to be open to all comers, but only to those specially designated to take the examination. The bill as now pending before the Senate, reported by the committee, provides that the examination shall be open to all applicants. So if you will supply the words "special test" as a substitute for "noncompetitive" and interject the words "that the examination shall be open to all applicants," you have the only difference between the vetoed bill and the one pending here, except in this, that the law of apportionment shall be adhered to under the provisions of the bill as reported by the committee.

That law of apportionment, Mr. President, is a wise provision intended to secure to all the States and all the districts an equal participation in the work to be performed. The waiving of that rule of apportionment will necessarily result in giving the employment to the people nearest the capital.

But it is suggested in the President's veto that there might be justification for waiving the law of apportionment because of the temporary character of the service. That suggestion is made in view of the probability that persons from California, Washington, Oregon, and Montana might not desire to come here to work for the low wages for a short period of time. But, Mr. President, they ought to have the privilege of coming if they desire so to do. The pending bill gives them that privilege. If they do not desire to come, then a subsequent portion of the same section allows the Director of the Census to appoint in the exigency persons who from the location of residence and availability may be appointed to perform the work temporarily.

I think the law of apportionment, which the amendment of the Senator from Texas would waive, embodies the right, if a right can be regarded as attaching to a public office, each State has to equal participation in the activities of the Government.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I do.

Mr. GALLINGER. I will ask the Senator from Montana if he has taken any means of ascertaining whether or not the law of apportionment is being observed to any considerable extent? In other words, does the Senator from Montana not know—he surely knows if he has examined the case—that the District of Columbia has six or seven times more than it would have if the law of apportionment was adhered to, and that certain other States, which I will not name, have two or three or four times more than their proportion?

Mr. CARTER. That presents a question with which the committee undertook to deal. I think it is true, at least it is alleged as a fact and alleged upon very excellent authority,

that the law of apportionment has not been adhered to. It is questionable whether the Civil Service Commission is seriously at fault for this departure from the law. It appears that the invasion of the law of apportionment occurs because persons who lived long, long ago in a distant State, having become connected with the civil service of the Government, have raised families here. The children have grown to manhood and womanhood, and when they desire to enter the civil service they assign the old-time residence of their parents in distant States as their residence, notwithstanding the fact that in many cases they have never even seen the borders of the State.

Mr. GALLINGER. It is a common habit.

Mr. CARTER. This is apparently a common habit. Then, undoubtedly in many cases aspiring persons desiring to enter the civil service and finding the quota of the State or district where they reside filled up, have passed through another State, mentally declare that they changed their residence, get a neighbor to certify that they lived for some time in a house at 302 Elm street, for instance, and thus acquire a residence in a State whose quota is not filled up, the whole thing being a fraud upon the law and probably upon the Civil Service Commission as well.

Now, Mr. President, in order to avoid any such invasion of that law in the future, the committee has submitted an amendment, which reads as follows:

Provided, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination.

While that may not cure existing wrong, it will prevent the continuance of an abuse.

Mr. BEVERIDGE. Ought you not to add, after the word "State," the words "Territory or the District of Columbia?"

Mr. CARTER. If it is thought proper, let it read "State, Territory, or District of Columbia."

Mr. BEVERIDGE. Otherwise, it would exclude the District of Columbia.

Mr. GALLINGER. It ought to be added.

Mr. CARTER. It ought to be added, and I will make a note of the Senator's suggestion. I hope he will think of offering that amendment when the time arrives.

Mr. BEVERIDGE. I merely make the suggestion.

Mr. CARTER. Now, the Senator from Texas [Mr. BAILEY] presents the section as we passed it in February as a substitute for what we think is a better section, which provides for the specific points to which I have referred, and which, on principle, I think is founded upon that which is just and fair to all the States and to everyone desiring to secure employment in connection with the census.

Why should we close the door to any worthy person who wants to be examined with a view to entering this service? Why should any person be driven to see some other person in order to get a designation as a means of getting a job if qualified to fill the place? If we are to have these examinations at all, then everyone ought to have a fair show at the start and no favor should be shown.

The bill as we present it from the committee leaves the examination open to all persons, and I am sure the Senator from Texas [Mr. BAILEY], fair-minded, broad, and liberal as he is, will support that proposition and will be glad to have his amendment amended by incorporating it, because the amendment as he presents it requires an examination just as it is required here through the civil service, but it is to be noncompetitive. That means that it is to be an examination accorded by special favor. Upon what theory can such a thing be justified? I know that the Senator from Texas would have persons designated for the service without examination, upon his theory that the examination is not necessary and that in the long run it does not form a correct test as to capacity to perform service. But now he proposes in the amendment an examination—

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I yield, of course; but the Senator will permit me to finish the sentence. My understanding of the Senator's position is that his amendment adheres to an examination, and that examination through the civil service, but it is to be noncompetitive; that is, not open to all persons.

Mr. BAILEY. The Senator from Montana is entirely right in saying that I am opposed to applicants being compelled to stand examination; and if I were drawing the amendment to express my views entirely and accurately, I would have drawn it that he should appoint them without examination; but in view

of the fact that this provision had passed both Houses of Congress, I felt that it was wiser as a matter of procedure to adopt it than it would be to undertake to change it. I believe, however, I might just as well have offered it as an amendment that perfectly expressed my view, for I think there is no more chance of having this adopted than there would be of having the other adopted.

Mr. CARTER. Mr. President, I realize fully the constraint under which the Senator labored in offering the amendment. Having voted for the bill which has been vetoed both in committee and in the Senate, I have felt somewhat handicapped in the consideration of this bill from the beginning. I am perfectly free to say that if the bill had come to the desk to be voted upon, I would have voted to override the veto of the President. But that opportunity was not afforded. The bill having come forward again for consideration, we have framed what we think is a better bill than that. I am not so anxious to embarrass the President as to wish to adhere to that which is faulty in order to secure the end.

I hope the amendment of the Senator from Texas will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. LA FOLLETTE. Mr. President, perhaps it is not necessary to offer any further observations upon the pending amendment. I want to say a few words, however, in addition to what the Senator from Montana [Mr. CARTER] has said with respect to the section under consideration.

Section 7 provides, first, that all employees except the assistant director, private secretary, supervisors, special agents, and enumerators "shall be subject to such special test examination as the Director of the Census may prescribe." Now, that section 7 it is proposed to strike out of the pending bill and it is proposed to substitute for it the section adopted by the last Congress which was the cause of the veto by the President.

This section makes another provision which I think important. The special examination which is to be held under the provision of the section is to be given by the Civil Service Commission. The examination is to be a competitive examination, open to all applicants without regard to political party affiliations and without reference to influence or political indorsement.

The fourth provision of the section requires that such examination shall be held at such places in each State as the Civil Service Commission shall designate. That offers an opportunity to those who desire to enter this service in every State to submit themselves to examination at places where it will be convenient for them. After the examination is held "copies of the eligible registers so established shall be furnished the Director of the Census by the Civil Service Commission." The next requirement provides that a selection from such list of eligibles shall be made by the Director of the Census, first, "in conformity with the law of apportionment," and, second, in the order of rating.

The next requirement of the section which is under consideration is that there are certain exceptions which are to be observed by the Director of the Census in the making of these appointments. First, persons who are afflicted with tuberculosis or who can not furnish a certificate from a physician as to general good health are not permitted to enter the service. It seems to me that that is a reasonable requirement, and one which ought to obtain in bringing into the service the three or four thousand clerks who are to work together in crowded quarters in the compilation of this census.

Second, when the exigencies of the service require, exception is provided in the section under consideration. It is that, for temporary appointment, the Director of the Census may, when such an exigency arises, depart from the apportionment rule of the civil-service law and select from the eligible list prepared by the Civil Service Commission as the result of the examination those who, by reason of residence or other conditions, are so situated as to be available to meet the requirements of that exigency.

Another exception provides that the director may appoint persons having previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and he may accept those efficiency records in lieu of the civil-service examination. That is, the force which will be required by the Census Office in the operation of mechanical appliances, such as tabulating machines, may be appointed, so far as available, upon records for efficiency which they have previously made, without passing any civil-service examination whatever.

The Director of the Census informed the committee when this section was under consideration that the force required for this character of work would be nearly one-half of all the office employees who will be taken into the Census Office during the

census period. About a thousand employees will be required for this character of service, and the committee thought it advisable to waive the examination test with respect to these employees and to permit the Director of the Census to employ, upon their efficiency record, those employees who had previously been in the office, if they applied for appointment and their records were satisfactory, without any examination, because no examination could be made that could so well test their efficiency as the record which they had previously made, unless the director chose to subject them to a test to see that they had not deteriorated since the time when they had made such efficient records.

There is one other exception that is made. Employees in the departments in the classified service who have had previous experience in census work may be taken into the Census Office for this work without being subjected to examination. Such appointees will be eligible to retransfer, when their census work is completed, to the positions from which they were taken in the different departments.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. It occurs to me that a little difficulty will grow out of this provision. Very likely the Senator can disabuse my mind of the impression. The transfer of clerks from the departments to the Census Office for two or three years it seems to me will necessitate the filling of those places by certification from the Civil Service Commission, and when this brief period has passed there will be no place in which to reinstate these men. Has that occurred to the Senator as a possibility?

Mr. LA FOLLETTE. I suppose that is a possibility, but I presume it is something which the applicants for transfer would take into consideration in asking to be transferred to the Census Office for this period.

Mr. GALLINGER. My thought was that very likely very few transfers would be made.

Mr. LA FOLLETTE. Of course, it is true that the work is increasing all the time in the various departments of the Government, and they may find positions open to them at the end of this census period; but I apprehend that none of them would be transferred without application for such transfer upon their part.

Mr. GALLINGER. I assume not.

Mr. LA FOLLETTE. And if they make such application, they take, of course, the chances of being retransferred to positions of like grade when the census period has passed by.

Mr. GALLINGER. Now, Mr. President, if it will not disturb the Senator—

Mr. LA FOLLETTE. Not at all.

Mr. GALLINGER. I should like to ask him a question on the point that he passed a moment ago—namely, that appointments are to be made in the order of rating. Does the Senator understand that to mean—as I think it ought to mean—that the person having the highest average will be selected, or will the system be followed that prevails now—it certainly used to prevail—of three names being certified at the same time and the appointing power having the privilege of selecting any one of those three? I have always thought that the appointment ought to be made of the person having the highest percentage in the examination. I should like to know what interpretation the Senator puts upon the language in this bill in that respect.

Mr. LA FOLLETTE. Mr. President, I understand that this provision makes no change in the civil-service law as it exists at the present time, and I suppose the Director of the Census will be required to select the highest applicant upon the list according to the law of apportionment.

Mr. GALLINGER. I think, if the Senator will pardon me, that the civil-service law does not deal with this question at all, but that in accordance with regulation or custom the Civil Service Commission certifies three names. I think it is a bad custom. I think the person at the head of the list should receive the appointment.

Mr. LA FOLLETTE. In this case, by the terms of the bill, the entire list would go to the director.

Mr. GALLINGER. Yes.

Mr. LA FOLLETTE. It is my understanding that the law would require the selection of the one highest on the list, subject to the rule of apportionment.

Mr. GALLINGER. I hope so.

Mr. LA FOLLETTE. The provisions of the bill require that the director shall make these appointments in the order of their place upon the lists under the rule of existing law. The entire eligible list established by the Civil Service Commission as a result of the competitive special census examination would

be transmitted to the Director of the Census. He would be required to appoint from this list the eligibles standing highest on the list from those States first entitled by the law of apportionment to receive appointments.

Mr. President, it was probably not necessary for me to make this explanation with respect to section 7, following the very lucid explanation made by the Senator from Montana [Mr. CARTER]. I want to say a few words generally about the amendment proposed by the Senator from Texas [Mr. BAILEY], and I want to bring to the attention of the Senate, just for a moment, the character of the work for which we are here making provision. We are entering here upon a great piece of work for this Government. The work is to cover a period of about three years and involves an expenditure of some twelve to fourteen million dollars. The work is somewhat technical in its character. If it is to have any value at all, it must be so executed in a manner as to commend it to the business interests of this country, to commend it to the men who are accustomed to the study of statistics, and to men who are engaged in the study of social and economic questions, and in such a manner as to afford an intelligent and reliable basis for legislation concerning the subject-matters with which it will deal.

Can that work be best performed by employing men because of their merit and fitness for that work, or by employing men to suit the pleasure of Senators and Representatives in Congress? It seems to me that efficiency requires that men should be selected for that work first of all upon their qualifications.

I think, Mr. President, that there is another proposition involved in the consideration of the amendment now before the Senate, and that is that every citizen has an equal right, according to his ability, to employment in the public service. If these appointments are to be dictated by the influence of Senators and Representatives, that right is destroyed.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. It is in regard to the suggestion which the Senator has just made, and relates to an amendment that I desire to offer, if the committee amendment finally prevails against the amendment submitted by the Senator from Texas [Mr. BAILEY]. The committee amendment provides—

That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

I want to suggest to the Senator that inserting such a provision opens the door—I do not mean intentionally on the part of the committee, of course—but it opens the door to the very vice we are seeking to avoid, namely, the influence and persistent effort of Representatives and Senators to get appointments. It opens the door to temporary employment to persons who seek it, with the belief that it will be continued until some day it becomes a permanent employment and destroys, so far as it may be utilized—and is dangerous in that respect—the equality of apportionment to the States which the Senator and the committee have sought to effectuate. I desire to call the attention of the Senator to the matter at this time, though I had intended later to bring it up if the amendment of the Senator from Texas failed.

Mr. LA FOLLETTE. I am glad the Senator has directed my attention to that, and I will state very frankly the views of the committee, as I understand them, with respect to that particular provision. The work of the census must be done within a very short space of time, considering the amount of work to be accomplished, and the Director of the Census urged upon the committee the importance of having some discretion to appoint from the eligible list persons who live in the District of Columbia or in the near-by States, in case an exigency should arise in which there should not be immediately available to meet the needs of the office a sufficient number of eligibles from the States entitled to appointments under the apportionment rule.

Mr. President, when this provision was under consideration we had before the Committee on the Census the Director of the Census and the president of the Civil Service Commission, and the particular point which the Senator from Minnesota [Mr. CLAPP] makes came up for discussion.

The Director of the Census stated that he would never, under any circumstances, feel that he ought to exercise the option or discretion given him under that provision without submitting to the president of the Civil Service Commission and to the President of the United States the question whether such an exigency existed as warranted action under that provision. He

said further that he believed he could resist any pressure that might be brought to bear to cause him to make "exigency appointments" when a real exigency requiring such appointments in the interest of the service did not in fact exist. I am inclined to think that one who would undertake to persuade the present Director of the Census against his judgment that such an exigency existed in his office for the sake of securing an appointment would not meet with unqualified success in his undertaking. But, it is true, we have no assurance that the present director will be the director during the coming census period, and if he should not be we do not know who might be his successor.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. Without discussing the Director of the Census, for whom I have a very high regard, the trouble to-day with the civil-service system is not, in my judgment, a question of principle—for I believe that the present system is a great improvement over that which prevailed before we enacted the civil-service law—but lies in the exceptions to it and the arbitrary power that is exercised outside and beyond the law. The trouble is that whenever the point is reached where the influence of the personal equation enters in and there is no legal barrier to prevent, the system breaks down. I do not believe that any Director of the Census, I care not who the man is, will be strong enough to resist the pressure and importunities that will come to him in view of an open door of this character. I want to say, with all due deference to the director, that my brief and somewhat checkered experience here leads me to doubt that there will ever be a shortage of applicants for these positions. I believe we will always have enough to draw from unless it is made to appear, because of pressure and the influence of the personal equation, that there is an exigency which demands the invoking of this exception. I believe it is a dangerous proposition and is along the line where the principal objection to civil service arises by those who do object to it.

Mr. LA FOLLETTE. Mr. President, I can say that, personally, I quite agree with the Senator from Minnesota. I would be very glad to see every position created by this bill under the civil-service law and under the control of the Civil Service Commission. I think I am free to make that statement of my own personal views and my own personal position; but I recognize that the Director of the Census has had wide experience here, and the views which he presented to the committee induced the committee to adopt the provisions of the bill under discussion.

Mr. BRISTOW. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. LA FOLLETTE. Certainly.

Mr. BRISTOW. Under the provisions of the pending bill can the Director of the Census utilize the clerks that are now on the waiting list of the civil service?

Mr. LA FOLLETTE. No, Mr. President, he would not be able to do that. A special examination is to be held, the tests of which are to be prescribed by the Director of the Census. The examination is to be conducted by the Civil Service Commission and a new eligible list is to be constructed, based upon the examination held pursuant to the provisions of the bill, and the appointments that are to be made in this service are to be made from the eligible list so made.

Mr. BRISTOW. Would not a provision authorizing the Director of the Census to utilize those who are on the waiting list of the Civil Service Commission avoid any possibility of an exigency of the kind to which the Senator from Wisconsin refers?

Mr. LA FOLLETTE. Well, perhaps that is true; but I believe it was the view of the members of the committee—and I think it is a view in which perhaps Members of this body and of the House of Representatives would concur—that that waiting list is not a list which is fair to the different States. A good many people are found upon it who, upon any fair test, have no claim to residence in the States to which they are charged, and the list ought to be revised under some such provision as is incorporated in this bill.

Mr. President, I know of no better way of determining whether we get the best service for the public and for the Government under the existing law or under the system and methods employed prior to the adoption of the civil-service law—because the substitute offered by the Senator from Texas is practically for all purposes a return to that system—I know of no way in which we can better judge whether civil service will be beneficial applied to the Census Office than to take the testimony of the men who have been at the head of

that office under the old system, men who are no longer personally interested in maintaining one system or another, and who will give their independent and unbiased judgment as to which system furnishes the best public service. Mr. Robert Porter, Director of the Census in 1890, has this to say of the system which prevailed at that time, which is substantially the method of making appointments proposed by the substitute offered by the Senator from Texas:

In my judgment the efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employee should be selected in accordance with the terms of the civil-service law. This would relieve the Director of the Census of the burden of giving a very large share of his time to matters of patronage and allow much more time for attention to the functions legitimately pertaining to this office.

Another excellent witness, an entirely disinterested witness, whose judgment may well be considered in the framing of legislation providing for the census, is Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890. Mr. Wright estimates that \$2,000,000 and more than a year's time would have been saved if the census of 1890 had been brought into the classified service. He adds:

I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil-service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months, and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made, and in the absence of any necessity for the increase of the force, 389 new appointments were made.

What reason was there for that? What explanation or excuse can be furnished for it? It was simply the operation of the system which is advocated by the Senator from Texas. Senators and Representatives appealed to the Director of the Census to appoint applicants in whom they were interested, and in response to that appeal experienced clerks in the office were dismissed and new and inexperienced and untried clerks were appointed.

The Director of the Census, Mr. North, says, with respect to this matter:

A noncompetitive examination—

Such as proposed by the Senator from Texas—

means that every one of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation.

Mr. President, it seems to me that this array of testimony—three directors of this great work appealing to the Senate not to subject that office to the political pressure which comes under a law of appointment such as is proposed by the substitute amendment—ought to have some influence with this body.

Mr. CLARK of Wyoming. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. Certainly.

Mr. CLARK of Wyoming. I ask the Senator if he has anything from the Director of the Census who was in charge at the time when the law was as is now proposed by the amendment of the Senator from Texas—the Director of the Census of 1900?

Mr. LA FOLLETTE. I have just read from Mr. Porter—

Mr. CLARK of Wyoming. No; he was director in 1890.

Mr. LA FOLLETTE. I have not anything from the Director of the Census of 1900, but I have something which I will be glad to submit as answering quite as well, it seems to me, the Senator's question. I have a letter here by the Assistant Director of the Census at that time.

Mr. CLARK of Wyoming. If the Senator will allow me, I will say that my question was asked with a view of eliciting information as to the operation of that law, in the opinion of the then Director of the Census, and not in antagonism to the Senator's proposition.

Mr. LA FOLLETTE. I understand that, and I will give the Senate the best official information that I have upon the working of the appointment system at that census. I have here a letter from Mr. Frederick H. Wines, who was the Assistant Director of the Census of 1900. The letter is, I think, worth reading at length. It is addressed to Mr. John Joy Edson, of Washington, D. C., who is connected with a national civil-service organization. The letter is as follows:

BEAUFORT, N. C., February 11, 1908.

HON. JOHN JOY EDSON,
Washington, D. C.

DEAR SIR: I have your letter of the 11th instant, requesting, on behalf of the Civil Service Reform Association of the District of Columbia,

my opinion regarding the desirability of placing the Census Bureau under the jurisdiction of the United States Civil Service Commission.

I do not wish to embarrass the present Director of the Census, concerning whose views on the subject I am not informed, and I feel some hesitation in expressing my views on account of my previous connection with the Census Bureau as assistant director. Nevertheless, a sense of public duty, overruling purely personal considerations, impels me to give a frank reply to your inquiry.

Good public service implies three conditions: First, the appointment of competent employees; second, their retention in office so long as they give satisfaction; and third, their prompt and peremptory discharge whenever it appears that they are incompetent, inefficient, or disloyal.

It is evidently impossible to judge of the qualifications of applicants for clerical positions without a preliminary test in the form of an examination. The value of such examinations is, however, almost purely negative. Their principal importance consists in the fact that they erect a barrier against the admission to the public service of aspirants whose attainments and capacity do not come up to a fixed standard.

Whether this test is applied by the bureau itself or by the Civil Service Commission is apparently a matter of comparatively little moment if it is thorough and if the bureau is governed by it.

In the organization of the Twelfth Census the bureau conducted its own examinations.

I will say to the Senator from Wyoming that that is exactly what it is proposed to do in the substitute offered by the Senator from Texas. Doctor Wines says:

I am free to admit that the result was—

I should like the attention of the Senator from Wyoming, because I am reading—

Mr. CLARK of Wyoming. The Senator from Wisconsin has it and has had it constantly.

Mr. LA FOLLETTE. I am very glad to have the attention of the Senator from Wyoming, but I will read a sentence or two again, in order to be certain that the Senator from Wyoming caught it:

In the organization of the Twelfth Census the bureau conducted its own examinations—

Just as is proposed in the substitute amendment offered to conduct the examinations now—

I am free to admit that the result was unsatisfactory, for the following, among other, reasons:

(1) The examinations held were not free to the public. The permission of the director was an essential prerequisite to admission to them, and the obtaining of such permission was a matter of personal favor, depending upon "influence."

(2) In making selections from the list of those who passed the examination, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple, and a rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.

(3) There were numerous instances in which an unsuccessful applicant was granted a second, third, or fourth trial, at the request of some Senator or Representative; and to the best of my knowledge and belief, it occasionally happened that the rating made by the examiner upon the papers filed was arbitrarily changed after they left his custody.

(4) The general method of appointment may be described as follows: A mathematical scale was worked out, by which the number of "assignments" to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had "passed," and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing.

I am of the same theoretical opinion to-day which I held when the Twelfth Census was organized, namely, that all other things being equal, if the Director of the Census is free to appoint and discharge his employees without interference from the politicians on the one hand, or from the Civil Service Commission on the other, if he can hold his own examinations, make his own selections, and discharge at his own will, he will have a better force of clerks and better control over them. But the conditions are such that experience has convinced me that this ideal is unattainable, impracticable, visionary. The question is, therefore, Will the service gain or lose more if the aid of the commission is invoked by him as a safeguard against the aggression and tyranny of political influence? I believe that the restriction upon his freedom will be less harmful on the whole if the machinery of the civil service is set in motion for his protection and that of the bureau, and that if he obtains his clerks through the commission he can do better work at less cost.

Mr. President, I pause in my reading just a moment to say that the committee in reporting the bill concluded that a special examination devised by the Director of the Census and administered by the Civil Service Commission might be a better test of efficiency for this particular work than the regular civil-service examination; and for that reason they departed to that extent from the general requirements of the civil-service law.

To conclude Doctor Wines's letter:

It must be remembered that the same pressure which forces upon him—

the Director of the Census—

unsatisfactory employees is also exerted to secure their promotion and retention. The increased cost of the Twelfth Census due to this circumstance can not be estimated; it was certainly far from inconsiderable.

The next census year is also a presidential year, with every prospect of an unusually heated canvass. If the director is exposed to the pressure which may reasonably be anticipated in favor of the claims of the

various candidates and their friends and supporters, he will be a remarkably strong and fearless man if he can withstand it.

Without having seen the new census bill or the proposed amendment to it, I may and must say that as an ex-official of the census—in 1880, 1890, and 1900—I should favor competitive examinations for appointments in the Census Bureau, free to all applicants, to be conducted by the Civil Service Commission, with the proviso, of course, that the appointments be given to those standing highest on the list.

Mr. President, the Committee on the Census has returned here a bill for the consideration of the Senate drafted upon provisions in accordance with the suggestions and recommendations of directors of the census for the last thirty years and of other census officers who have been subjected to this strain of opportunity and pressure of influence for appointments made under a system not protected by civil-service regulations.

In addition to the testimony which I have laid before the Senate, furnished by the directors of the census, I could cite other officials whose testimony was taken by the Census Committee of the last Congress and was before the census committees of both branches of Congress for their consideration at that time and since and is accessible to Members of the Senate. But I do not wish further to delay the consideration of this provision or a vote upon this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. BAILEY].

The amendment was rejected.

Mr. CLAPP. Mr. President, I was impressed this morning with the argument of the Senator from Texas [Mr. BAILEY]. He presented three weak points in civil service. First, that it created a life tenure, which is practically true under existing conditions, but which could be met by legislative enactment. Secondly, he presented the fact that the clerks make no provision for the future, which could be corrected by positive legislative enactment, placing before them the absolute certainty that at some time they will be obliged to retire from the service.

The other point which he made was that it was leading to a civil-pension list, which certainly does loom up before us. That, too, could be avoided by positive legislative enactment.

Another feature which he did not discuss, but which the Senator from Michigan [Mr. SMITH] so forcibly discussed, involved the subject of promotions, which I believe can also be cured by positive legislative enactment. In other words, aside from the primary question as to the advisability of the civil service at all, the vice of civil service is found to-day in the want of positive legislative enactment. It is found in the possibility of defeating the spirit of civil service, because of the latitude allowed somewhere. It was stated this morning, without any serious contradiction—I think none at all—that under the existing law men are placed in office without passing the examination.

The point I wish to make is this: I realize what the committee had to contend with, and if the committee does not incline favorably to these suggestions, I will not press them, for I know the difficulty that surrounds work in committee in formulating these bills. The letter which was read from Mr. Wines characterized as visionary a plan which placed the director where he could be independent of Congress on the one hand and independent of the commission on the other, and yet the committee have felt impelled, and perhaps wisely so, in view of the condition—I am not taking issue with that—to place in this bill two or three points where the attempt is made to vest the director with that authority and establish what Mr. Wines himself characterizes as a visionary proposition. First, in reference to taking people without regard to the ratio between the States; secondly, without any examination whatever, except upon records that no one has access to save those who act upon them, of placing men and women in this service upon their record of efficiency in the handling of mechanical devices connected with the taking of the census; and, thirdly, with reference to transferring from the temporary to the permanent list, only for three years, of course.

But here is the trouble that I want to impress upon the chairman of the committee: One other vice in civil service is the fact that every person in that service regards the civil service as genuine only so far as it prohibits his removal. Wherever there is opportunity for promotion, wherever there is a hope of continuing after a time which may have been fixed in the bill, they believe that in some manner there will be found some way to circumvent that limitation, and they seek these transfers, believing that what seems a temporary transfer will be a permanent transfer.

I simply make these suggestions—

Mr. LA FOLLETTE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. Certainly; with pleasure.

Mr. LA FOLLETTE. Upon that point I am rather at a loss to see why one who is already in the classified civil service should seek transfer to a work purely temporary. There may be exceptions, of course, where they might secure some slight advantage by the transfer—

Mr. CLAPP. Exactly.

Mr. LA FOLLETTE. But in doing so they would take the chance of going out of the service under the law as it will be enacted if this bill becomes a law.

Mr. CLAPP. They will seek a transfer upon the belief that when the time comes, if they are from Wisconsin, if they are from Minnesota, or from New York, or whatever State they are from, they will be able to get their Representatives and Senators to take care of them. The vice of this whole thing is in holding out a hope that ought not to be held out in the bill.

Mr. LA FOLLETTE. I am not very experienced here as a Senator. I came to Congress two years after the civil-service law was enacted, in 1885, and remained only six years, and came back here to the Senate only quite recently. But I should like to ask the Senator from Minnesota if it is a fact that the offices of Senators are invoked now for the purpose of interfering with promotions under the civil service. I must say that I have not been much subjected to that sort of pressure since I came here.

Mr. CLAPP. I desire to congratulate the Senator from Wisconsin, and I think every other Senator, not only in the Chamber but in their committee rooms, will join in congratulating him.

Mr. LA FOLLETTE. Perhaps it may be because appointees from Wisconsin know somewhat my views upon the civil service; I do not know why it is; but I, myself, have not been subjected to many importunities of that sort; and, as I understand it, the law provides against that sort of thing and makes it a violation for any employee under the classified civil service to make application to any Senator or Representative for political influence in their behalf.

Mr. CLAPP. That is true.

Mr. LA FOLLETTE. I may be wrong about it.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. CLAPP. With pleasure.

Mr. GALLINGER. I think both Senators are wrong about it. I do not think the law inhibits it, but it is a regulation of the departments.

Mr. LA FOLLETTE. Has not the regulation the effect of law?

Mr. GALLINGER. Possibly so; but I desire to join with the Senator from Minnesota, if he will permit me—

Mr. CLAPP. Surely; with pleasure.

Mr. GALLINGER (continuing). In extending felicitations to the Senator from Wisconsin when he says he is not importuned by employees in the civil service to secure promotions.

Mr. LA FOLLETTE. I am most happy to be the recipient of the felicitations. It is about the only opportunity I have had to receive felicitations in this body, and I am most happy to be the recipient of them this afternoon.

Mr. GALLINGER. I have no doubt that many of us will felicitate the Senator in the future, but he certainly occupies a unique position in that regard, because I feel sure that, notwithstanding the regulation prohibits it, almost every Senator is importuned in that direction. I know I am.

Mr. LA FOLLETTE. Perhaps if all the other Members of this body would join the civil-service reformers of this country, they would be exempt from such importunities, Mr. President.

Mr. GALLINGER. The difficulty—

Mr. LA FOLLETTE. They may not be willing to subscribe to all our views in order to escape these importunities of employees in the civil service.

Mr. GALLINGER. If the Senator will permit me, the difficulty about that is that the remedy would be worse than the disease. [Laughter.]

Mr. LA FOLLETTE. I presume it would be more radical, and would be a severe strain upon most of the Members of this body.

Mr. CLAPP. Mr. President, I have said, substantially, all that I care to say. I voted with the committee to sustain their report as against the proposed amendment, and I do think that this amendment in its present form opens the door to the very things that are pointed out as objectionable in the present administration of the civil service. Whether they can be remedied, whether it is wise at this time to undertake it, I would not press the matter with the committee.

Mr. LA FOLLETTE. Before the Senator takes his seat I wish to say just this: As chairman of the committee, I do not feel I am free to accept suggestions to change the form of the bill;

but I do desire to say before the Senator sits down that, personally, I agree entirely with him, and I would be glad to see the bill made water-tight, so far as the civil-service regulations are concerned.

Mr. GALLINGER. Mr. President—

Mr. LA FOLLETTE. And I hope the Senator will feel at liberty to offer any amendment.

Mr. GALLINGER. I was about to offer an amendment.

Mr. CLAPP. In order to test the sense of the Senate, I offer an amendment. On page 6, beginning in line 7, after the word "examination," I move to strike out down to and including the word "further," in line 16.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "examination," in line 7, page 6, it is proposed to strike out all of the bill down to and including the words "Provided further," in line 16.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota. The Chair thinks the vote by which the amendment was agreed to ought to be reconsidered.

Mr. CLAPP. I was not in the Chamber at the time. Then I will first move to reconsider the vote by which the amendment was adopted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Mr. CARTER. Mr. President, I doubt if the Senate, upon full consideration, will reconsider that amendment. It will be observed the amendment is a substitute for a part of the text of the bill as it came from the other Chamber. The language is merely recast in order the better to carry out the thought of the House, which was approved by the committee. The census will require the services of about 1,000 persons to handle what is known as the "punching machine" used in the tabulation process. It is conceded that the Civil Service Commission has no present means of applying tests such as may be necessary to determine the proficiency of persons in handling those machines.

Mr. CLAPP. Will the Senator from Montana pardon an interruption?

Mr. CARTER. I yield.

Mr. CLAPP. The bill expressly provides that the Director of the Census shall prescribe the test for the examination. He can prescribe any test he sees fit, including a mechanical test. The Civil Service Commission has nothing to do with this except to hold the examinations. The director prescribes the test.

Mr. CARTER. But that will mean simply, with respect to the persons who are to be tested with reference to the punching machines, the transfer of a number of machines, probably the entire equipment, if you please, from the present point where they are installed in the Census Office ready for business to some other room in the city, where a person little conversant with the task will determine whether or not the desired standard of proficiency obtains. It was intended—

Mr. BRISTOW. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. As soon as I finish the sentence. It was intended by the committee, and obviously by the other House, that the persons who are known to be skilled in this line—and they are few in number, chiefly trained up in the Census Office—should be continued in employment rather than to have tests made all over the country in the futile effort to assemble people skilled in this work.

Mr. CLAPP. Will the Senator pardon me again? Is there anything that prevents that being done? If my two motions prevail, if they are already there, they are there. If they are in other departments, they can be transferred. This only applies to people who are not in the service, and permits their being brought in without any examination. It is just one more of those cases that has given rise to all of this criticism against the civil service.

Mr. CARTER. All of those who are proficient in the handling of these punching machines are not in the service now. A large number of them, with ratings and records still preserved in the Census Office, performed service during the last decennial census, and were dismissed from the service when the work was completed, say seven years ago.

Mr. CLAPP. If the Senator will pardon me, all that is necessary is for them to take the examination. If we are going to have the civil service, let us, so far as we can, proceed to perfect it and guard against the very vices that are complained of.

Mr. BRISTOW. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire what kind of punching machines they use in this work. Is it the ordinary punching machine that is found in printing offices?

Mr. CARTER. The punching-tabulating machines used in the census are a special pattern, I think, and are not such as are in general use, because the class of work to be performed here varies and is somewhat different from any work which punching machines elsewhere are devoted to.

Mr. BRISTOW. If it is the ordinary punching machine used in tabulating it can be operated by any man of intelligence after twelve hours' experience.

Mr. CARTER. Some persons develop more proficiency than others in this line, just as some persons learn to play the piano better than other persons can play it with the same amount of experience. Some people have a particular adaptability to the work which other people do not happen to possess. When proficiency has been determined by experience extending over a series of years, it seems appropriate that the department should avail itself of that class of capacity or adaptability, if you please.

I wish before leaving that portion of the subject to make another observation. This work, the Senator from Minnesota well knows, is an emergency work. It requires the rapid assembling of a force which is within a short time to be with equal rapidity disbanded.

Mr. CLAPP. Does the Senator believe that it will be as rapidly disbanded as it is assembled?

Mr. CARTER. It was rapidly disbanded before, and it will be again. I have observed that in the taking of the census, from the initial step to the close, the director seeks to economize by having the work expeditiously done, thus economizing not only in time, which is a very important matter, but likewise in the expenditure of money placed at the director's disposal for the accomplishment of the task.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. CARTER. Most assuredly.

Mr. CLAPP. Was the Senator in the Chamber when the Senator from Wisconsin read the letter of Mr. Wines, who was connected with the last census?

Mr. CARTER. I was not in the Chamber when the letter of Doctor Wines was read. I have read the letter of Doctor Wines, however, and know generally the views he expressed with reference to the last census.

I do not desire in any manner to reflect on Doctor Wines, who is a man of great erudition and has special aptitude for generalizations with figures; but everyone who had to do with the last census well knows that Doctor Wines is not a practical census man and that his work in connection with the census does not warrant the Congress in accepting his views concerning the administration of that great office. He is a doctrinaire rather than a practical administrator. The work the director will be required to execute is eminently practical.

Mr. CLAPP. Will the Senator pardon another interruption?

Mr. CARTER. I grant the interruption without any pardon connected with it.

Mr. CLAPP. Doctor Wines, supplemented by the statements of three ex-Directors of the Census and of the present director, was quoted for the purpose of showing the necessity of applying the civil-service rules to the taking of the census. That was the point I sought to make; and from each one of them comes a piteous plea against the imposition of conditions such as existed heretofore with reference to that work. So far as their testimony is of value as a reason why we should invoke the civil service with reference to taking the census, it stands as a reason why we ought to avoid the vicious phase of the civil service as administered through the exceptions and loopholes that exist to-day.

If there is any virtue in it we ought to apply it and we ought to seek to perfect it. We have decided to apply it and now we seek to perfect it.

Mr. CARTER. Mr. President, undoubtedly the Director of the Census may apply a special-test examination, and will apply that special-test examination to the persons who are assembled to handle these machines, whether we so specify or not. But the test will undoubtedly be applied right in the building where the machines are installed and are to be operated.

However, the Senator's amendment goes further still, and it would take out of the bill a part which is vitally essential to the success of this census-taking operation. A portion of that which he would strike out reads as follows:

That when the exigencies of the service requires, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

When the Senator reflects that in a previous part of the bill we have applied the law of apportionment the importance of this part of the bill becomes at once apparent.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. CARTER. I shall be glad to yield.

Mr. CLAPP. The Senator was not in when this question was discussed. I seek to strike that out because it affords an opportunity for nullifying the very provision requiring equality of apportionment. It was that reason which prompted me to move this amendment. Under that provision the provision requiring equality can be nullified just as far as the director or his successor, if he should have one, may deem it advisable and necessary to do under the cover of exigency.

It is to prevent those things, as I have said before, that stand out subject to attack and criticism against the civil-service system that I would eliminate these exceptions and these opportunities for subverting the purpose of the bill in that respect.

Mr. CARTER. Mr. President, in his zeal to secure adherence to the law of apportionment, the Senator from Minnesota would render the taking of the census exceedingly difficult if not impossible within the period of time contemplated by the bill. This service is not like the routine service of a department. The word "emergency" can not be too clearly emphasized in all references to the service. In 1890 we had a census taken, the results of which were not published until the time we were called upon to consider the bill for the census of 1900. Through seven weary years the results of that census were involved in the meshes of the clerical force of the Census Office.

The value of the census, the return on the \$14,000,000 we are to invest in the census, is dependent not only upon what ultimately may be collected together, but upon the expedition with which the results may become known. Of what avail is it to this country to have 65,000 enumerators scattered out for thirty days over the country collating figures that are not to be known until the next census period arrives? The great expense connected with the census will be incurred in the taking of the census through the enumerators and the special agents. When the data shall have been collected together the duty devolves upon this office force to quickly tabulate and arrange and publish the result.

The Senator would render nugatory all our previous efforts at expedition by affixing conditions to the clerical force that would render a prompt publication a matter of difficulty, if not of impossibility, within the three-year period we contemplate for this work.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CARTER. Most assuredly.

Mr. CLAPP. It strikes me that the argument of the Senator should have been made earlier in the day. It should have been made in support of the amendment proposed by the Senator from Texas [Mr. BAILEY]. That amendment involved at the threshold the question whether it was wiser, whether it would tend to expedition and to all that may be desired in the taking of the census, to put the work under the civil service. He contended that it would not. Many of us contended that it would. The Senate finally decided to adopt civil service as applied to the taking of the census.

I undertake to say that it is a far cry to suggest that any State will fail to present its full quota in due time. There can be but one—I will not say object—but one danger in the application of this line of reasoning. Having decided that it will tend to expedition, economy, and good government to adopt the civil-service system, we now propose to provide a loophole here where the very provision that we fought for and won out on will be rendered absolutely of no use or purpose whatever.

Mr. CARTER. Mr. President, the Senator from Minnesota can not have read the text of the amendment he proposes to reconsider. The draft upon this list to be made in an exigency is not a draft upon the world at large, but upon the eligible list, which is evolved from the examination. Let that be clearly understood.

Mr. CLAPP. But without any reference to apportionment.

Mr. CARTER. To apportionment, of course. Let me express the opinion, knowing that the fact will be verified or found to be untrue, that since most, if not all, of these clerks will in the beginning enter the service at \$50 per month, it is scarcely probable that anybody will come from a distant State to enter upon a government task at less than board and clothes will cost in the city of Washington. In the last analysis this force, in my judgment, will be drawn under this provision largely because of the failure of the States to supply their quota. There are no jobs open here with enticing salaries. There is drudgery through the summer and in the days of the early autumn at \$50 per month. Who is coming from Cali-

fornia to take a position at \$50 per month for an indefinite period, limited only by the fact that it is temporary and, at most, brief, when the amount of railroad fare from California to Washington and return, with the amount of absolutely necessary living expenses here, will exceed the total salary?

Mr. President, the quotas will not be filled up from the distant States; and if they are not filled up from the distant States, then, I ask the Senator, what particular predicament the Director of the Census will find himself in if he can not draw on the eligible list from near-by States?

Mr. CLAPP. If the Senator wants an answer, my answer would be this: The Senator asks if they are not filled, then what will happen? We know they always have been filled. It will be a strange revolution in human nature if they are not promptly filled.

Now, one word more and I am going to drop this subject. I listened to the Senator yesterday, and his argument appealed to me that on the one hand there are those who attack the civil-service system because of its weak points, and on the other hand those who characterize as politicians men who do not believe in it; and the Senator sought to point out that the happy solution was in the medium and in the correction of the evils as they exist. The first opportunity that has presented itself to correct some of those evils is in the proposed amendment to take away discretionary power, to prevent the opening of a door by which they can get around these provisions, and by legislative enactment try to perfect civil-service system as a policy.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I yield to the Senator.

Mr. GALLINGER. I wish to inquire of the Senator from Montana upon what authority he makes the statement that these clerks will be paid only \$50 a month?

Mr. CARTER. I state on the authority of the Director of the Census that about \$50 per month will be the wages paid during the temporary service.

Mr. GALLINGER. Was that the case in the taking of the last census?

Mr. CARTER. It was.

Mr. GALLINGER. My experience with the very few appointments that I suggested—and they were not numerous—was that they received a higher rate of pay than that. I think the Senator is mistaken on that point.

Mr. CARTER. I think the Senator will find upon inquiry that the statement is correct. I do not make an exact, specific assertion.

Mr. GALLINGER. Then, again, I will ask the Senator if he heard the very thrilling speech of the senior Senator from New York [Mr. DEWEY] this morning?

Mr. CARTER. I heard the very illuminating speech of the Senator from New York.

Mr. GALLINGER. In that speech the Senator from New York depicted to us that he was chased about the Capitol and the District of Columbia and the city of New York by young men and young women who wanted to come to Washington and enter the service in taking the last census. I think the Senator is wrong in his suggestion that there will be any difficulty in getting enough young men and young women to come here from points at a considerable distance from the city of Washington.

If the Senator will permit me further, I will say that while I am not an admirer of the civil-service system, and I have made it known several times during my membership here, I think this bill is the worst hotch-potch so far as civil service is concerned that the ingenuity of man could devise. It is neither fish, flesh, nor fowl.

It is neither civil service nor the spoils system, as the Senator and others are pleased to denominate the system that once prevailed in this country, but it is a mixture. I take great pleasure in voting with the Senator from Minnesota [Mr. CLAPP] to take out of the bill this provision, which the Senator from Wisconsin [Mr. LA FOLLETTE], if I understood him correctly this morning, stated would put 1,000 employees in the service without examination.

Mr. CARTER. Mr. President, in reference to the salary of \$600 per year to which the Senator directed attention, I desire to request him to turn to section 6 of the bill, in which it will be found that these clerks shall be employed during the decennial census period and no longer, with a salary at the rate of not less than \$600 nor more than \$1,000 per annum. The director alleges that the major portion of the clerks would start in at the \$600 salary as the minimum, to the end that there might be held out to each and to all the incentive to special endeavor, with promotion as the premium.

Mr. GALLINGER. Mr. President, I will say frankly to the Senator that I had not observed that fact, and I am glad the Senator called my attention to it, because I shall move an amendment making the minimum \$720. I do not believe that the Director of the Census will be cruel enough, when he has \$14,000,000 at his disposal, to ask any young man or young woman, in this period of the world's history, to take government employment at \$50 a month. He ought not to be given that privilege.

Mr. CARTER. Mr. President, I can well recall the time when I felt that if I ever got \$50 a month, I would be as well paid as I ever deserved or expected.

Mr. GALLINGER. But that was at a time when the Senator did not live in the city of Washington and prices were not what they are to-day.

Mr. CARTER. It would come nearer paying my expenses than \$600 a month does now.

Mr. GALLINGER. That is very likely.

Mr. CARTER. But, Mr. President, I do not wish the Senator from Minnesota to place me in the position of changing one hair's breadth from the position taken yesterday, nor can he do so in the resistance I offered to a reconsideration of the amendment. Permit me to read just what the Senator proposes to strike out:

That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

That provides for a situation where clerks appointed or selected from distant States are tardy in arriving in the city. Any clerk who is available can be appointed temporarily, you must remember, not permanently, in the place, only to perform temporary service in an exigency, and not then from the crowd at large, but from the eligible list.

Mr. CLAPP. Mr. President, I should like to ask the Senator if he ever knew a permanent appointment to become temporary, and I should like to ask him if he has not known of a great many temporary appointments becoming permanent?

Mr. CARTER. I call the attention of the Senator to the fact that what I have quoted does not read "temporary appointment," but "temporary employment." The person appointed under this exigency provision would be appointed to perform temporarily until the place could be filled; in other words, according to the provision made for apportionment.

I am sure the Senator would not have the census work stopped pending the arrival of some eligible from a distant State, when it could be kept moving along in a regular way by the designation for the time being of an eligible who happened to be at hand. Yet that is exactly what the amendment of the Senator would do. There would be, from time to time, unavoidable suspensions of work awaiting the arrival of clerks from States, and without this provision the director would be absolutely helpless and unable to fill the places by any temporary employment of an available person.

I hope the amendment will not prevail, because it is obvious that it will limit and circumscribe the director so as to impair the expedition and efficiency of the service without accomplishing any good whatever for any person at all.

The VICE-PRESIDENT. The pending motion is to reconsider the vote by which the provision was stricken out and language inserted in its stead.

The motion to reconsider was agreed to.

Mr. CLAPP. Now, I move to strike out between the points indicated.

Mr. CARTER. What are the points indicated?

Mr. CLAPP. That would be after the word "however," in line 1, down to and including the word "further," in line 16, page 6.

The VICE-PRESIDENT. The Secretary will report the amendment.

Mr. CLAPP. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state it.

Mr. CLAPP. Is that portion of the House bill, commencing with the word "That," in line 1, and including the word "examination," in line 7, page 6, already stricken out?

The VICE-PRESIDENT. It is already stricken out.

Mr. CLAPP. Then I move to strike out, commencing with the word "That," in line 7, page 6, down to and including the word "further," in line 16.

Mr. CUMMINS. Mr. President—

The VICE-PRESIDENT. The Senator from Iowa will permit the Chair to correct his statement. The provision from line 1 to line 7 is not yet stricken out.

Mr. CLAPP. That is what I thought.

The VICE-PRESIDENT. It had been stricken out, but the Senate has now determined to reconsider the vote by which it was stricken out.

Mr. CLAPP. I move, taking the House bill with the Senate amendment, to strike out, commencing with the word "That," in line 1, page 6, down to and including the word "further," in line 16, which would strike out the House provision and also the committee provision.

Mr. LA FOLLETTE. Mr. President, I think the Chair is in error in stating that the motion to reconsider included the provision from line 1 to line 7. I think the motion made by the Senator from Minnesota to reconsider did not include that part.

The VICE-PRESIDENT. It had to include it. The motion that prevailed was to strike out and insert. The Senator from Minnesota moved to reconsider the amendment, which prevailed.

Mr. LA FOLLETTE. But he moved, by specific terms, to reconsider the language of the section between the word "examination," in line 7, and the word "further," in line 16.

The VICE-PRESIDENT. There is but one thing that could be reconsidered, and that is the action of the Senate.

Mr. CARTER. The committee amendment, as I understand it, consisted in striking out and inserting. When the action of the Senate approving the amendment became effective, it operated to strike out certain parts of the House bill and to insert new matter in lieu thereof. When the matter was reconsidered, it operated to restore the text of the House bill as stricken out.

Mr. CLAPP. Now, the motion is to strike out all.

Mr. CUMMINS. Mr. President—

The VICE-PRESIDENT. The Chair will hear the Senator from Iowa.

Mr. CUMMINS. I make a parliamentary inquiry. Is it not true that the vote having been reconsidered the question now before the Senate is upon the adoption of the committee amendment?

The VICE-PRESIDENT. It would be were another motion not made to intervene. The time has passed when committee amendments have had preference. The Chair thinks that as the matter now stands the first part of the provision which the committee proposed to strike out is still in the bill. No vote has been taken on that language, because the vote which struck it out has been reconsidered. Now, the Senator from Minnesota moves to strike out the portion which it was proposed to insert.

Mr. CUMMINS. That part was not yet in the bill. If the motion by which that part was incorporated in the bill has been reconsidered and the committee amendment is not before the Senate, then the Senator from Minnesota, I fancy, can not move to strike out a portion of the bill that has not yet been put into the bill.

The VICE-PRESIDENT. That is what the motion is.

Mr. CUMMINS. I therefore make the point of order that there is no such language in the bill as the Senator from Minnesota seeks to strike out.

The VICE-PRESIDENT. In the opinion of the Chair, the point of order is well taken.

Mr. BACON. I would suggest to the Senator from Minnesota that the easy way out of it is to move as an amendment that part which he does not wish to strike out. That would cover it.

The VICE-PRESIDENT. As the matter now stands, the Senate has reconsidered its action striking out and inserting, and has taken no action whatever on the amendment. Therefore the bill stands in the form in which it was before the Senate took any action.

Mr. CLAPP. Then, I move, Mr. President—

Mr. GALLINGER. The question is upon agreeing to the committee amendment.

Mr. CUMMINS. That is the suggestion I make.

The VICE-PRESIDENT. That is the pending question.

Mr. GALLINGER. Certainly.

Mr. CLAPP. I move to strike out, on page 6, from the word "That," in line 1, down to and including the word "examination," in line 7.

The VICE-PRESIDENT. There is pending an amendment to strike out and insert. The vote by which that amendment was agreed to having been reconsidered, it would seem to the Chair that it is first necessary to vote that amendment down before the motion of the Senator from Minnesota would be in order.

Mr. CLAPP. I will accept the ruling of the Chair on that.

Mr. NELSON. The Chair is undoubtedly right on that question. The original proposition was to strike out a paragraph and insert another one. That was adopted, and then the vote adopting it was reconsidered. The pending question, therefore, is on the motion to strike out and insert; and that motion has precedence over the other, I think. The Chair is undoubtedly right.

The VICE-PRESIDENT. The question, then, is on agreeing to the committee amendment to strike out and insert.

Mr. CLAPP. Mr. President, I desire to make a parliamentary inquiry. As I understand, the bill is now before us as though the language from the word "That," in line 1, down to the word "examination," in line 7, had not been stricken out. Am I correct in thinking that?

The VICE-PRESIDENT. That is correct.

Mr. CLAPP. Then I move to strike out that language.

The VICE-PRESIDENT. But the motion to strike out and insert has preference over a motion simply to strike out.

Mr. CLAPP. Then I ask for a separate vote, first, on the question to strike out, and then on the question of inserting.

Mr. GALLINGER. I suggest to the Senator, if he will permit me, that if the vote is taken on the proposed amendment of the committee, and that prevails, then the Senator can move to strike out the text of the House bill.

Mr. CLAPP. Then I make that motion.

The VICE-PRESIDENT. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BURKETT. Now, if the Senator from Minnesota wants to strike that out, his motion to do so would be in order, it seems to me.

Mr. GALLINGER. That can be done in the Senate.

Mr. CLAPP. As I understand, the Chair has announced that the committee amendment is adopted.

The VICE-PRESIDENT. The committee amendment is adopted.

Mr. CLAPP. The only way we could get around it would be again to reconsider that vote.

Mr. GALLINGER. When the bill reaches the Senate, the Senator can make a motion and reach it in that way.

Mr. CLAPP. I can make the motion when the bill is reported to the Senate.

Mr. GALLINGER. On page 4, line 11, I move to strike out "six hundred" and insert the words "seven hundred and twenty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, on page 4, line 11, at the end of the line, it is proposed to strike out "six hundred" and insert "seven hundred and twenty."

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, on page 5, line 25, after the word "physician," it is proposed to insert the following:

Provided, however, That in no instance shall more than one person be appointed from the same family.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKETT. I offer an amendment to be known as section 26. I will say to the chairman of the committee that it is the same provision exactly that was in the law providing for the taking of the census some two or three decades ago.

Mr. LA FOLLETTE. I inquire if the proposed amendment is intended to be a substitute for section 26? There is a section 26.

Mr. BURKETT. No; it is not a substitute for section 26. If the amendment I propose is adopted, I will move to renumber the subsequent sections.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 25, at the bottom of page 23, it is proposed to insert, as a new section, the following:

SEC. 26. The Superintendent of the Census shall also, in like manner, require and obtain from the owners, proprietors, or managers of every telegraph company the following facts, to wit: Name of corporation or company; terminal points connected; capital and capital paid up; length of lines, in miles; miles of wire; number of officers; number of persons engaged in general administration; number of persons engaged as telegraph operators; the number of messages transmitted by officers of the United States; the number of messages transmitted for the press; the number of messages transmitted for private parties; total number of messages transmitted; total receipts from messages; total expenditures of the company, exhibiting separately the amount expended for salaries, for repairs, and for general expenses.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from Nebraska that if his amendment is to go in, manifestly, section 8, where the census is restricted to inquiry concerning certain matters, ought to be amended. The adoption of his amendment would, of course, enlarge the scope of the census. However, that section could be amended afterwards.

Mr. BURKETT. That could be amended afterwards, if necessary.

Mr. GALLINGER. I doubt whether it will be necessary.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska. [Putting the question.] By the sound, the "ayes" seem to have it.

Mr. GALLINGER. I ask that the question be again put.

Mr. BURKETT. Mr. President, if there is going to be any objection to the amendment, I desire to say a few words. This is a provision that was in the census act of 1880. It is copied exactly from that act. The Senate will recall that last year a resolution was passed asking for certain information with reference to telegraph companies. The department to which the resolution was referred was a long time getting that information, but, with a good deal of difficulty, they finally furnished some information, though perhaps it was not very complete. In the last census these statistics were not covered.

It occurs to me that this provision could very appropriately go in the law. I do not see any particular objection to it, and I did not suppose there would be any objection. At least, it might go in the bill and go to conference, in order that the conferees might secure more information from the Director of the Census on it to ascertain whether the objection is well founded. I have offered it for that reason.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Nebraska if it is not a fact that this amendment is secured under the permanent census law? As I understand it, the information he desires is gathered by special agents under the permanent census law. The objection to the effort to secure this information through enumerators at this time, as I am informed, is that it requires really the services of special agents, and special agents are employed for securing the information under the permanent census law. The Census Office should not be burdened during the great pressure of the work of the decennial census period with a number of special investigations, since investigations conducted at such a time can not, under the circumstances, be prosecuted in the most thorough and satisfactory manner and are likely to lead to the publication of a mass of half truths and statistics, more or less unreliable, the publication of which would be more likely to do harm than good.

Mr. BURKETT. Mr. President, I have here a census report, Bulletin No. 17, upon the subject of telephones and telegraphs, and in the opening paragraph of this document is a statement that there has not been any provision for securing this information since the law of 1879. While some statistics have been gathered, they have been gathered, to be sure, by special enumerators, as would have to be done now.

I have always maintained that there has been too much organization and too much expense in connection with the government departments. The census extends over too long a period of time in all its work. I remember, a few years ago, I opposed somewhat vigorously, on account of the enormous expense, the creation of the Census Bureau under the organization planned in the law as a permanent bureau. From year to year this bureau has contrived, in some way or another, to grow more expensive. Yesterday one of the questions I asked the Senator in charge of this bill was, why there were 330 enumerators provided for. The bill appropriates \$45,000 more for that purpose than was carried by the bill ten years ago. I am going to make a motion to strike out the word "thirty" as the result of information I received.

It seems to me that since provision is made in the bill for acquiring through special enumerators statistics as to certain manufactures, we could as well secure statistics concerning the telegraph and telephone companies at the same time, and get through with it all and not have it prolonged through the whole ten years, with the consequent retention of high-priced men in the service for so long a time. It is not a big job. The largest item is the expense of sending the men around. As special enumerators for manufactures and other industries are provided for in the section immediately preceding the place where my amendment is proposed to come in, it seems to me that the Census Bureau could utilize them for gathering statistics in regard to telegraph and telephone companies.

I will say to the Senator that I did not take occasion to present this to the committee, and if he has investigated it to the extent that he is not willing to let it go in, of course I realize the proposition could not get any consideration in conference, because if the committee has not favorably acted, it could not receive favorable consideration in conference. It occurred to me, however, if it had not been considered by the committee, that it could very well go into this bill for further consideration in conference, with a view of getting information from the Director of the Census.

Mr. LA FOLLETTE. Before the Senator takes his seat, I will say that this matter was not brought to the attention of the committee while they were considering this bill, at least not dur-

ing the present session; but the Director of the Census stated that the general policy which the Census Office had found it necessary to adopt in the work of the decennial census period was to limit the inquiry as nearly as possible to the regular census work, because it is not possible in the brief time in which the enumerators are required to gather the census information—about thirty days—to procure the information embodied in such special inquiries as that proposed by the Senator from Nebraska. I only state that from the general observations made by the Director of the Census when he was before the committee. I understand that the very bulletin to which the Senator from Nebraska alludes is a bulletin prepared under the general or permanent census act, and that the Census Office is gathering this information through special agents between the decennial census periods when they are not compelled to collect and publish a vast amount of information in a very limited period of time.

Mr. BURKETT. Well, Mr. President, I am not certain that this information could be gathered in thirty days. I very much doubt, if the information which is provided for in section 24 could be gathered in thirty days, whether it would be of great value. I realize, of course, that at the time of the last census an effort was made to concentrate the work and reduce its amount; but I do not know that we greatly increased the value of it, or greatly dispatched the business. It seems to me that the same enumerators could be utilized in gathering the information in regard to the telegraph and telephone companies that are used in gathering the information with reference to manufactures.

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. BURKETT].

The amendment was rejected.

Mr. BURKETT. I have another amendment to offer. In section 9, on page 10, line 14, after the word "hundred," I move to strike out the words "and thirty."

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 9, page 10, line 14, after the word "hundred," it is proposed to strike out "and thirty," so as to read:

Provided, That the whole number of supervisors shall not exceed 300.

Mr. BURKETT. That will leave the number of supervisors as it was for the last census, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. LA FOLLETTE. Mr. President, I do not think that amendment ought to be adopted. The Director of the Census has carefully considered this matter and submitted it to the committees of both Houses. After very careful consideration, that number of supervisors has been accepted. The country has grown. We had only 300 supervisors for supervising the work of taking the census in 1900, and the addition of 30 supervisors at this time seems to me a reasonable accession to the number. I trust that the amendment may not be adopted.

Mr. BURKETT. Mr. President, I do not see that the country has grown any larger. If I knew some other place where I could get at the matter of administration, I would like to do so. My observation is always that in creating bureaus too much money is spent in the organization part of the work. You may go into every department of the government service and you will find, whatever the work is which they are going to undertake, that there is too large a per cent—a larger per cent than is ever devoted in private affairs—devoted to organization and superintendency or whatever you might call it, to organization work.

In my opinion 300 supervisors for the census of this country are quite enough. It was demonstrated that that number was sufficient ten years ago. The country to be covered is not greatly different from what it was ten years ago. There are a few more people, but the work relative to their enumeration will all be done by the enumerators. It is proposed to add 30 supervisors, necessitating an expenditure of \$45,000 for salaries plus whatever additional expenses they may have.

I remember when we organized the census into a permanent bureau, and the fact was called to the attention of the House of Representatives of the enormous amount of organization that was in the proposition, of the higher salaries to men for doing practically nothing of the real work necessary to be done, the House was so astounded that it recommitted the bill with instructions at that time to make reductions along certain lines.

To be sure the Director of the Census has reported that it is desirable to have 330 supervisors; but I doubt whether his judgment is any better than the judgment of the Senate would be on

this matter unless there is some reason given why 300 men can not supervise the taking of the census. We have not included anything additional in the census; and I can not understand why we should add 10 per cent to the number of census supervisors.

The number of enumerators will undoubtedly need to be increased; but why should we add 10 per cent, one-tenth, to the number of supervisors, who, as the experience in taking the census demonstrates, have not had a great amount of work to do, except for a short time? The remainder of the time they are employed in checking up delinquencies on the part of the enumerators, checking up errors that have been made, and are not very busy. In the cities, and in the centers where considerable work is to be done, they have in connection with the census taking such assistant supervisors as are needed. It seems to me that unless there is some good reason for it, there is not any occasion for increasing the supervisors force 10 per cent over what it was ten years ago.

Mr. LA FOLLETTE. Mr. President, I do not desire to prolong the discussion. I wish merely to call attention to the fact that in the ten years' period we have added somewhat to the geographical limits to be covered by the census; we have added enormously to the wealth of the country in that period of time; and we have added enormously to the population. It seems to me, therefore, that the Senate will do wisely if it adopts the bill in relation to the number of supervisors.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. BURKETT].

The amendment was rejected.

Mr. BULKELEY. Mr. President, during the discussion yesterday on the committee amendment I intimated that I desired to submit a motion to eliminate from the bill sections 33 and 34—one relating to the purchase of a site on which to erect a census building and the other providing an appropriation for the erection of a building on the proposed site. By the adoption of the proposed committee amendment, these two sections have been combined in a new section as section 33 in the reprint of the bill, which seems to me even more objectionable than the original provisions.

In the first place, Mr. President, I think that a provision for the purchase of a site and the erection thereon of a public building has no proper place in a bill providing for the taking of the census.

In the second place, the usual course in providing for the erection of public buildings for departments of the Government or for its bureaus has been by passing measures which have been considered by the committee of Congress usually having such matters in charge—the Committee on Public Buildings and Grounds—which, from time to time, has given a thorough consideration, I think, to the necessities of the Government and the desirability, from an architectural point of view, of grouping in some proper manner the public buildings erected in this city, with the design of pursuing some general plan for the development of our public buildings and grounds.

There is another objection to this proposed legislation. It seems to me, under the provisions of section 33, which require that the building shall be erected on or before January 1, 1910, there can be scarcely the time necessary for the acquirement of a site, particularly if any objections are offered or condemnation proceedings become necessary. There can be hardly time, it seems to me, in the next nine months to institute the necessary proceedings, prepare the necessary plans, and complete a building, if we are to erect one, such as the Government should erect.

As I said yesterday in the course of the discussion, there have been prepared, by gentlemen peculiarly capable of considering the question of future projects for the beautifying of this city and the grouping of buildings, very elaborate plans. They have not been adopted, it is true, but they are being seriously considered, as is the question of the purchase of large additional plots of land on the south side of Pennsylvania avenue for the future needs of government buildings.

For the reasons which I have suggested, I move that we reconsider the vote—if that is the proper motion—by which section 33 was inserted in place of sections 33 and 34; or, perhaps, the proper motion would be to strike out section 33 as reprinted in the bill.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Will the Senator permit the Secretary to state the motion of the Senator from Connecticut?

Mr. NELSON. Certainly.

Mr. BURKETT (to Mr. BULKELEY). Move to strike out section 33.

Mr. BULKELEY. I move to strike out section 33 as it appears in the reprint of the bill.

Mr. GALLINGER. If the Senator will permit me, the usual motion—and it is a better method—would be, when the bill reaches the Senate, to move to strike out that section. When the bill is reported to the Senate, the Senator can reserve a vote on that section.

Mr. BULKELEY. I want to conform to the practice. I do not know what that is.

Mr. GALLINGER. That is the practice.

The VICE-PRESIDENT. In Committee of the Whole sections 33 and 34, as originally reported, were stricken out and a new section 33 inserted in lieu. Now, in the opinion of the Chair, the only procedure would be to move to reconsider the vote by which that was done.

Mr. GALLINGER. That is undoubtedly a proper motion, and yet the other motion is the one usually made in the Senate.

Mr. BULKELEY. I move to reconsider the vote by which the amendment to strike out and insert was agreed to.

Mr. LA FOLLETTE. I hope we can have a vote upon this matter.

The VICE-PRESIDENT. The Senator from Connecticut moves to reconsider the vote by which the old sections 33 and 34 were stricken out and the new section 33 substituted in their place.

Mr. NELSON. Mr. President, I think my good friend from Connecticut [Mr. BULKELEY] is overlooking an important fact in connection with this matter. We have been paying an enormous rent for quarters for the Census Office. The rent we have been paying for quarters occupied by that office ever since we took the last census has been more than enough to pay for the building and grounds. It is now evident that even if we complied with the plans and suggestions which the Senator from Connecticut has in view, of constructing a building down on Pennsylvania avenue, a palace, in conformity with this enormous plan of improvement on the south side of that avenue, such a building could not possibly be completed in time for the next census. If we can get the property referred to in the bill at a reasonable figure and the Government can build a cheap temporary addition to it of a kind such as there is now on the ground, we will save that much rent.

In any event, we will own the ground and the building. Property is going up constantly here, and by the time we can get a census palace erected on the Avenue the rent that we should have paid would more than pay for the temporary building and the ground. In addition, we shall have that property to dispose of. The Government can then dispose of it and get more than what the building and land would cost us now.

That would not militate at all against the plan which the Senator from Connecticut has in view. We all concede that the present plan and programme is a temporary matter. It is simply a question of what is wise and good economy for the Government under the present circumstances. In nowise, Mr. President, will it militate against or interfere with the other plan of beautifying the Avenue, as it is called—of putting all the buildings on the south side of the Avenue—where in old times there was nothing but marsh and swamp. I stated at a former session of Congress when something akin to this was up, or when the former census bill was under consideration, that I was rather in favor of adopting this scheme of erecting a temporary building on the site proposed in the bill because it was in accord with the plan of putting buildings south of the Avenue. We get the same swamp ground and soft ground as on the south side of the Avenue, and having that kind of ground, there is no reason why we should not utilize it for temporary quarters for the census.

I do not know how many thousands of dollars we have paid out in rent for that building which we have occupied since we took possession—perhaps the Senator from Wisconsin can give me the figures—but I imagine we have already paid out more in rent for the property than it is worth to-day. The way things move here in Washington, when they erect these fine palaces like the Senate and the House buildings and the District of Columbia building, it takes years to complete them; and before they can get such a census palace as the Senator from Connecticut has in view, we will expend more in rent than this whole property would cost us and the additional temporary building. If we secure that property, when the time comes when we shall have erected such a census palace as the Senator from Connecticut has in view, we will have this property and can sell it for more than it cost us, and we will be that much ahead and will have saved that much for the Government.

Mr. LA FOLLETTE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. NELSON. I will yield to the Senator from Wisconsin in a moment.

I am a member of this great committee that is to curtail the expenses of the Government and to look after the purse strings of Uncle Sam; and, being a member of that committee, I feel it incumbent upon me, as the Senator from Idaho did yesterday, being on the other committee, to look out for the welfare of the Government and see that no money is squandered.

Now I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I desire to say, in answer to the suggestion of the Senator from Minnesota, that we have paid out as rental during the Twelfth Census and since \$218,500.

Mr. BULKELEY. Mr. President, I think the Senator from Minnesota [Mr. NELSON] is mistaken when he refers to any scheme or plan which I have in mind for the erection of a census building on the south side of the Avenue or in any other locality. The section, as now provided, does not locate the proposed census building in any place whatever, but leaves it arbitrarily to the Secretary of the Treasury to locate it where he pleases, provided he keeps within the expense limit of \$750,000 for the site and building.

The proposed \$750,000 is an increase of some \$70,000 over the provisions of sections 33 and 34, which have been stricken from the bill, of \$430,000 for the site and \$250,000 for the building. It has rarely if ever, I think, been customary to intrust to any one individual the fixing of a site and the erection of a public building here in the city of Washington. I have before me two bills that were introduced during the Sixtieth Congress, one providing for a building for the Geological Survey, in which the location is fixed by Congress itself; and while the charge of purchase or condemnation of the land is left to the Secretary of the Treasury, the location is accurately described in the bill for the proposed building. The same conditions prevail in a bill which was introduced during the same session for the purchase of a site and the erection of a suitable building for the Supreme Court of the United States. While it was left to the Secretary of the Interior to carry out the provisions of the act, the location of the building, the site, was accurately described in the bill itself.

Section 33 of this bill provides not so much for a building of a temporary character, or for the Census Bureau, if you please, because the bill itself provides that it shall be for the use of the Census Office "and for other governmental purposes." So it is evidently more than a structure of a temporary character.

The first objection I made is a valid one, that in the few months, which will pass quickly, between now and the 1st of January next, there is hardly time—I am certain there is not time—to secure a site, particularly if other than governmental land should be selected and condemnation should possibly be necessary to secure the title to the land, prepare the necessary plans, and erect a building to cost \$250,000 anywhere in the city of Washington that the Secretary of the Treasury may decide, and complete it by the 1st of January, 1910.

It is true we have spent for rental during the last ten years quite a large sum of money, but it is very probable that the interest on the proposed investment will more than exceed annually the rentals that have been paid during the last ten years, which were, on the average, about \$21,000 a year. These proposed buildings are to cost somewhere from \$750,000, estimated, to possibly a very much larger expense. We will call it \$750,000. At a moderate rate of interest, 3 per cent, it would be a larger annual expense to the Government for interest alone, to say nothing of the care of the property, than the average annual expenditure for rental for the last ten years.

I trust the motion I have made to reconsider the vote on section 33 will prevail.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was rejected.

Mr. GALLINGER. Mr. President, I desire to offer an amendment simply to correct the verblage of section 33. It reads:

That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land the title to which is in the United States, or to acquire by purchase, etc.

My amendment is, to insert after the word "provide," "a suitable building," so that it will read:

That the Secretary of the Treasury be, and is hereby, authorized and directed to provide a suitable building, upon land the title to which is in the United States, etc.

The Senator from Wisconsin, I think, will see the propriety of that. It is an omission.

Mr. LA FOLLETTE. I accept the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 28, line 14, after the word "provide" it is proposed to insert "a suitable building."

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask if any amendment has been made in line 6, on page 10?

The VICE-PRESIDENT. In that line the words "the Hawaiian Islands" were stricken from the bill.

Mr. CARTER. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Montana offers an amendment, which will be stated.*

The SECRETARY. On page 5, after the word "service," in line 15, it is proposed to insert:

But without reference to the existing apportionment in the classified civil service.

Mr. GALLINGER. Will the Senator explain that, if he pleases?

Mr. CARTER. The amendment, if adopted, will provide for a separate list in every State, without reference to the standing of the quota of each State in the classified service; entirely independent of that.

Mr. GALLINGER. I think that is all right.

Mr. TALIAFERRO. Let the amendment be again stated.

The VICE-PRESIDENT. Without objection, the amendment will be again stated.

The SECRETARY. On page 5, line 15, after the word "service," it is proposed to insert:

But without reference to the existing apportionment in the classified civil service.

Mr. BAILEY. Mr. President, the purpose of that amendment is to cheat some of the States out of appointments to which without it they would be entitled. For instance, many States now, under this excellent and perfect system of civil service, have more than their fair proportion, while other States have less. It seems to me, while they are making 3,000 appointments they might compensate for these deficiencies and let the States that already have more than they are entitled to under the law stand aside until the States that have less than they are entitled to have been put upon an equality with them.

The effect of this is to let the States which have more than their quota not only retain the excess which they now enjoy, but to have their full quota under this bill. Without this amendment States whose quota is full could have no appointments under this service until the States having deficiencies had been supplied. I will ask the Senator from Montana if that is not a correct statement of it?

Mr. CARTER. Mr. President, that statement correctly represents the facts. I will send to the Secretary's desk to be read, if it is desired by the Senate, the exact state of the apportionment for the respective States as provided for by the bill and as the proposed amendment would provide.

Mr. BAILEY. I will be glad to have that printed, because it will confirm what I have just said and it will show, using my State for an illustration, that under the bill as it stands, we would be entitled to something like 150 or 160 appointments, and under the amendment we will be entitled to something less than 100, which is equivalent to saying that under this perfect and excellent system which does such exact justice to everybody, other States have 40 or 50 appointments to which the State of Texas is fairly entitled. Perhaps I ought not to complain about that, because our people are so busy with more useful and profitable employments that they have not been besieging the Government for offices.

The VICE-PRESIDENT. Without objection, the statement submitted by the Senator from Montana will be printed in the RECORD.

The matter referred to is as follows:

Statement showing number of appointments each State and Territory would be entitled to under the apportionment provision contained in the Thirteenth Census bill as passed by the House of Representatives, as compared with the number they would be entitled to under the proposed Senate amendment, on the assumption that 2,000 additional appointments will be made.

State or Territory.	Number under House bill.	Number under proposed amendment.
Alabama.....	101	47
Arkansas.....	68	34
California.....	51	39
Colorado.....	3	14
Connecticut.....	11	24
Delaware.....		5
Florida.....	17	14
Georgia.....	74	57
Idaho.....	4	4
Illinois.....	165	125
Indiana.....	59	65
Iowa.....	63	58

Statement showing number of appointments, etc.—Continued.

State or Territory.	Number under House bill.	Number under proposed amendment.
Kansas.....	34	38
Kentucky.....	77	66
Louisiana.....	77	36
Maine.....	8	18
Maryland.....		31
Massachusetts.....		73
Michigan.....	68	63
Minnesota.....	59	45
Mississippi.....	84	40
Missouri.....	109	80
Montana.....	4	6
Nebraska.....	30	28
Nevada.....		1
New Hampshire.....	5	11
New Jersey.....	26	49
New York.....	65	188
North Carolina.....	45	49
North Dakota.....	15	8
Ohio.....	45	108
Oklahoma.....	39	21
Oregon.....	18	11
Pennsylvania.....	64	103
Rhode Island.....	3	11
South Carolina.....	37	35
South Dakota.....	19	10
Tennessee.....	70	52
Texas.....	150	79
Utah.....	8	7
Vermont.....		9
Virginia.....		48
Washington.....	25	13
West Virginia.....	3	25
Wisconsin.....	81	54
Wyoming.....		2
District of Columbia.....		7
Alaska.....	8	2
Arizona.....		3
Guam.....		
Hawaii.....	16	4
New Mexico.....	9	5
Philippine Islands.....		
Porto Rico.....	112	25
Samoa.....		
Total.....	2,021	2,000

Mr. CUMMINS. I wish to ask the Senator from Texas whether he has carefully examined this text as it is now. If he has not, I would be glad to have him look it over and tell the Senate whether, in his opinion, the bill as it is does not accomplish the very thing which is sought to be accomplished by the Senator from Montana. In other words, the amendment offered by the Senator from Montana makes no difference whatever in the meaning and interpretation of the bill.

Mr. BAILEY. Mr. President, when the Senator from Iowa shall have known the Senator from Montana as long as I have known him he will find, in my opinion, that the Senator from Montana does not offer useless amendments.

But I will say, responding further to the Senator from Iowa, that I might be inclined to agree with him as to the meaning of the text except for the fact that those who are charged with the supervision of such matters have indicated their opinion to be that, under the language of the bill as reported by the committee, the apportionment would be made with reference to the present condition of the civil-service apportionment; and it was to avoid that construction that the amendment now proposed by the Senator from Montana was suggested to the committee.

The Senator from Iowa will permit me to say to him further that he and I, as lawyers, might perfectly agree as to the meaning of the statute; but, unfortunately, we can not get the Civil Service Commission into the courts to have the act construed. And they will be down there at the director's office before he comes from breakfast, just as they were down at the committee room before the committee were there, seeing that this special charge of theirs was respected at every stage.

I think probably—and I say it with all deference to the gentlemen who compose that commission, because they are men of intelligence and character, devoted, unduly, as I think, to their particular work—there is not a department of this Government so sensitive about aggressions on its domain as that same Civil Service Commission; and I want to record it here as my prophecy, that they will have these appointments made as they construe the law or else they will make trouble for the Director of the Census. The Civil Service Commission always has the willing and inclining ear of the President, and they get the President to take their side against any officer of this Government, because the President generally suspects that the officers who are charged with the duty of administering this law understand what a fraud it is.

Mr. CUMMINS. Having recently become chairman of the Committee on Civil Service and Retrenchment—

Mr. BAILEY. Will the Senator permit me?

Mr. CUMMINS. Certainly.

Mr. BAILEY. The Senator from Iowa, a sturdy partisan, illustrates what I am tempted to say is the malignant influence of a connection with the civil service, for just as soon as his colleagues made him chairman of the Committee on Civil Service he became a civil-service reformer.

Mr. CUMMINS. Quite true. I had very little sympathy with the workings at least of the civil service as I had observed them since I came to Washington until I became chairman of the Civil Service Committee. I immediately reached the conclusion that there was such an opportunity for reform in the civil service that I would ask the Senate not to enter upon that work of reform with respect to the census bill, but to leave me a free field and a fair opportunity for the future.

Mr. BAILEY. I will join the Senator in repealing the entire law.

Mr. CUMMINS. With respect to the amendment offered by the Senator from Montana, I will say I favor it. I believe in that interpretation of the bill. I asked the question I did of the Senator from Texas solely to advise the Senate, at least from my standpoint, that, even though the amendment were defeated, still this particular apportionment would be made without regard to the apportionment under the general classified service.

Mr. CARTER. Mr. President, I am unable to determine what a court would say with reference to the proper construction of the language of the bill as my amendment would leave it, and I will not venture to say what the Civil Service Commission's construction might be six months hence. But I am somewhat advised of the Civil Service Commission's construction at present. The language of the bill as it appears now is as follows, speaking of appointments:

And selections therefrom—

That is, from the eligible list. I read from page 5, line 12—

And selections therefrom shall be made by the Director of the Census, in conformity with the law of apportionment as now provided for the classified service, in the order of rating.

The Director of the Census and, I believe, the chairman of the Civil Service Commission entertain the view that the employment of the language I have just read will necessitate a consultation from day to day as to the condition of state representation in the classified service before making appointments in the census service, because we are acting in conformity with the law of apportionment as now provided for the classified service, in the order of rating. The amendment I have proposed will relieve the Director of the Census from the ascertainment, from time to time, of the apportionment of the States in the classified service.

Mr. BAILEY. It will also relieve some of the States of appointments to which they are fairly entitled.

Mr. CARTER. And add possibly to others more. I will read the list, which will show. The number the State of Alabama would be entitled to under the bill as passed by the House is 101; the number proposed by the amendment for that State would be 47. Arkansas would have 68 under the House bill; 34 under the amendment, if it is adopted. California would have 51 under the House bill; 39 under my proposed amendment. Colorado would have 3 under the House bill, and 14 under the amendment. Connecticut would have 11 under the House bill, and 24 under the proposed amendment. Delaware would have none under the House bill, and it would have 5 under the proposed amendment.

I am not reading these figures with a view to affecting votes in the Senate on my amendment [laughter], because I am sure no such result would obtain. It balances back and forth pretty well. The only purpose of the amendment, as far as my individual view is concerned, is to relieve the Director of the Census, who will have trouble enough in connection with this rush of work, from the necessity of constantly consulting the Civil Service Commission with reference to the state of appointments from the different States.

Mr. GALLINGER. Is the Senator going to finish the reading of the list? If not, I should like him to tell me how many New Hampshire is entitled to, the quota of which heretofore has been filled, I believe, by dead men.

Mr. CARTER. In view of the fact that the Senator has not committed himself on the proposed amendment, I can with perfect freedom read to him that New Hampshire would be entitled to 5 under the bill as it is—

Mr. GALLINGER. That is good.

Mr. CARTER (continuing). And 11 under my proposed amendment.

Mr. GALLINGER. That is first rate. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. CLAY. I am inclined to think on this amendment, which is so unjust, we ought to have a yea-and-nay vote; and if the Senator from Montana insists upon it, I think I shall have to call for a yea-and-nay vote.

Mr. LA FOLLETTE (to Mr. CLAY). Take it in the Senate.

Mr. CLAY. Take it in the Senate?

Mr. NELSON. I suggest that the question be again put. I do not think it was fully understood.

Mr. CLAY. I am willing for the question to be again put. But the amendment, to my mind, is manifestly unjust and violates the principles and the spirit of the general civil-service law. This bill as it came from the House in that respect intended that the spirit of the general civil-service law should prevail in those appointments.

Mr. CARTER. I do not blame the Senator from Georgia. Georgia would have 74 under the House bill and only 57 under the amendment.

Mr. CLAY. I will say to the Senator that I do not think Georgia will have any under the House bill, or the Senator's amendment either, so far as I know.

The VICE-PRESIDENT. The Chair put the question, and declared that the amendment was carried. Without objection, the Chair will again submit the question, at the request of the Senator from Georgia. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. CLAY. We can have a yea-and-nay vote in the Senate, I believe, if we want it, when the bill gets there.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Is a separate vote demanded on any particular amendment?

Mr. BAILEY. I suggest to the Senator from Wisconsin, in charge of the bill, that probably there will be one or two votes desired in the Senate. Probably the bill can not be completed to-night.

Mr. LA FOLLETTE. I trust we can dispose of the bill to-night.

Mr. CARTER. It is very desirable that the bill should be passed this evening, and I ask unanimous consent to withdraw the amendment I last offered, which was adopted. I will first ask that the vote be reconsidered.

The VICE-PRESIDENT. Is there objection to the request that the vote by which the last amendment was agreed to be reconsidered, and that the Senator have leave to withdraw the amendment? No objection is heard, and the order will be followed. Is a separate vote demanded on any amendment?

Mr. CLAPP. I ask for a separate vote on the amendment on page 6.

The VICE-PRESIDENT. Is a separate vote asked for on any other amendment? If not, the question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. CLAPP. Since this matter came up the junior Senator from New York [Mr. ROOR] called my attention to the fact that when it comes to employees handling mechanical devices it might be difficult, if not practically impossible, to apportion them to the various States. Seeing the force of his suggestion, I now move to strike out on page 6, commencing with the word "That," in line 1, down to and including the word "further," in line 16, and to insert in lieu thereof the words which I send to the desk.

The VICE-PRESIDENT. But there is no line 16 in the bill.

Mr. CLAPP. It was so reported to the Senate.

Mr. BAILEY. There must be a line 16.

The VICE-PRESIDENT. The pending question is on concurring to the amendment to strike out from line 1 to line 7, inclusive, and to insert from line 7 to line 15, inclusive. The matter from line 7 to line 15, inclusive, is not yet in the bill. All the amendments save this one have been concurred in.

Mr. CLAPP. Then I move to strike out—

Mr. GALLINGER. Mr. President, a parliamentary inquiry. When the amendment was agreed to as a substitute for the House provision, did not that eliminate the House provision from the bill?

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, agreed to it, but the Senate has not agreed to it. That is the question now before the Senate on which a separate vote is asked.

Mr. GALLINGER. Precisely; but what I am trying to get at, in rather an awkward way, perhaps, is whether it is necessary to take any action on the text of the bill as passed by the

House, the Senate in committee having substituted language for the language of the House. I think all the Senator from Minnesota has to do is to deal with the amendment as agreed to in Committee of the Whole.

The VICE-PRESIDENT. It would seem to the Chair that the proper parliamentary procedure under the Senate rule would be to nonconcur in the amendment, and then to move to strike out the House provision and to insert whatever the Senate might desire to insert.

Mr. CLAPP. I ask that the amendment be nonconcurrent in.

Mr. NELSON. Will my colleague yield to me for a moment?

Mr. CLAPP. With pleasure.

Mr. NELSON. I make this suggestion to him: Having already adopted the portion in italics in place of the part stricken out, that is the only portion of the bill to be dealt with. We have substituted that portion for the other portion. If we reject that portion in the Senate, it eliminates it. Then we have nothing in the bill. We have stricken out a paragraph and substituted another for it; and if we strike that out, it is out of the bill. If on the question of concurring in the amendment reported from the Committee of the Whole the amendment is not concurred in, the paragraph is out of the bill, as I understand it.

The VICE-PRESIDENT. The Senator is right in so far as the part from line 7 to line 16 is concerned, but that does not strike out the House provision. It would seem to the Chair that the proper procedure would be to negative this vote and then to move to strike out the House provision and insert whatever the Senator desires. Rule XVIII of the Senate would seem to indicate that as the proper procedure to be taken.

Mr. CARTER. It seems to me that the amendment adopted as in Committee of the Whole was to strike out and insert.

The VICE-PRESIDENT. Certainly.

Mr. CARTER. It was an indivisible amendment?

The VICE-PRESIDENT. Certainly.

Mr. CARTER. And it must be agreed to or rejected as a whole?

The VICE-PRESIDENT. Certainly. That is precisely what the Chair has stated.

Mr. CLAPP. I ask that the amendment be nonconcurrent in.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurrent in.

Mr. CLAPP. I move as an amendment to insert the words I send to the desk in lieu of the House provision.

The VICE-PRESIDENT. The Senator from Minnesota moves to strike out the House provision and to insert what the Secretary will read.

The SECRETARY. On page 6, line 1, after the word "however," it is proposed to strike out all of line 1 and down to line 7, including the word "examination," and to insert:

That the foregoing provisions as to apportionment, residence, and place of examination shall not apply to employees operating mechanical appliances.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I do not intend to offer an amendment, but I simply want to call attention to a provision in the bill which I think is beyond the power of Congress. It is that provision which undertakes to punish by fine and imprisonment a refusal to answer certain questions. That provision applies in the agricultural schedule. To my mind, it is plain that Congress has no power to pass a law to send a man to jail because he declines to tell the enumerator how many acres of land he cultivates or the product which he produces. In a following provision it is provided that an officer or director of a corporation who refuses to answer certain questions about its capital and business may be sent to jail, or may be fined, or may be punished in both ways.

My view is that the constitutional power of Congress is to enumerate the people of the United States, and the purpose of that enumeration is to enable Congress to apportion Representatives and direct taxes; that the constitutional power, so far as an independent and substantive power goes, ends there; and that while Congress may have the power to make an appropriation of the money and appoint people to gather this information, and while it may have the power to punish, as it does, the people who willfully make false answers to these questions, I have no doubt that we exceed our power when we provide that a man who declines to tell the census enumerator the secrets of his business or what concerns him only shall be punished. We go much beyond what the Constitution authorizes us to do.

Without divulging the secrets of the committee, I there moved to strike both those provisions out. I was voted down, and I

assume I would be voted down here, but I am not willing to see the bill pass from a committee of which I am a member without putting it in the Record that in this respect I feel that the bill is a nullity, and that if any man in the United States refuses to answer those questions he is well within his constitutional rights, and Congress is without the power to punish him for that refusal.

The VICE-PRESIDENT. Will the Senator from Texas kindly give the Secretary the page and line?

Mr. BAILEY. I am not going to make any motion, because I regard it as a waste of time. I simply want to put this in the Record so as to save myself from the imputation that I was willing to put a man in jail because he would not supply information which the curious might desire about his business.

Mr. CARTER. Mr. President, it is true that no motion has been made; but I think a word may well be said on the subject presented by the Senator from Texas.

Undoubtedly if the Government relied upon the requirement of the Constitution that an enumeration of the people be made, there would be a want of constitutional warrant for the enforcement by any penalty for a refusal to answer many of the questions required to be answered by the bill. But there are other provisions of the Constitution than that requiring an enumeration of the people; and if it pleases Congress to subserve other public purposes in connection with the enumeration, I think it is clearly within the discretion of Congress so to do.

It will not be contended that Congress is prohibited from utilizing the enumerators for any other purpose than the enumeration of the people. For instance—

Mr. CLAPP. Will the Senator pardon a question?

Mr. CARTER. I hope the Senator will permit me to proceed for a moment. I will yield in the course of time.

For instance, Mr. President, the Constitution authorizes Congress to borrow money on the credit of the United States. The condition of the people of the United States in a material way might go far to advise Congress of the state of the Nation's credit or the basis of it. Congress is authorized to regulate commerce with foreign nations and among the several States and with the Indian tribes. Congress is warranted in asking any question of any citizen of the country at any time that may appertain to interstate commerce or any subject so related to that question as Congress might deem of importance.

Mr. CLAPP. Will the Senator allow an interruption now?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I should like to finish just this line of thought, if the Senator will permit me a moment.

Mr. CLAPP. All right.

Mr. CARTER. It is provided in one of the prohibitory clauses of the Constitution that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." Then, upon the basis of the "enumeration hereinbefore directed to be taken," Congress may levy a direct or capitation tax.

There are a great number of obligations placed upon Congress by the Constitution; and in order that Congress may intelligently discharge its duty in the matter of regulating commerce between the States, in maintaining and providing for armed defense, and a variety of questions, it is undoubtedly pertinent for Congress to direct that the citizens of the Republic shall answer all proper questions needful for a correct conclusion as to the state of the Union and its resources.

Mr. BAILEY. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I will first yield to the Senator from Minnesota.

Mr. CLAPP. I ask the Senator from Texas to proceed.

Mr. BAILEY. I was about to remind the Senator from Montana that in the levy of a direct tax all that Congress needs is to know the number of the people, because it has to levy that tax according to population—not wealth.

Now, if it had been written in the Constitution as it was originally proposed, that Congress was required to apportion Representatives and direct taxes according to wealth and numbers, then, undoubtedly, in taking the enumeration, we would have the right to require any answer that would advise us as to the wealth. But that part was eliminated.

Mr. CARTER. The Senator will pardon me for suggesting that I referred to that part of the section of the Constitution, because it prohibits the levy of a capitation or other direct tax; for instance, a tax on corporations—

Mr. BAILEY. It does not prohibit it. It prohibits the levy of it, except it be apportioned and according to numbers.

Therefore, all you need to do is to know the number. There is no provision against the levy of a direct or capitation tax. There is a qualification of it.

Mr. CARTER. The capitation tax may not, of course, be levied, except as to numbers.

Mr. BAILEY. Neither can any other direct tax; but the number is all that Congress needs to know in order to levy either direct or capitation taxes. It does not need to be informed of the wealth, because Congress can not levy the tax according to wealth.

Mr. CARTER. Mr. President, Congress, in the exercise of its taxing power, often has recourse to what is called "internal-revenue taxation," a very prominent source of government income. I suggest to the Senator that any pertinent inquiry which may enable Congress in an enlightened manner to assess internal-revenue taxes may be put forward in the form of inquiries to be propounded by the enumerators.

Mr. BAILEY. Mr. President—

Mr. CARTER. It is true, the Senator did not make a motion; and I have only made the statements I have made to the end that the enumerators throughout the country may not be retarded in their work by an impression going forth that the position of the Senator from Texas is accepted as the view of the Senate.

Mr. BAILEY. "The Senator from Texas" will take the chance of being sent to jail on that whenever the enumerator asks him one of those questions. I regard it as an impertinent inquiry for the Government to call on me to inform Senators and Representatives how they ought to legislate by advising them of the state of my private business. That is almost as unreasonable as a search and seizure without warrant.

I ought to have said, Mr. President, that between the two provisions against which I complain there is a provision that requires a tavern keeper to disclose the names of the lodgers or boarders in his house. I think the Government has the power to require him to do that under the penalty of being sent to jail, because it might be very essential to the enumeration that they should learn exactly who occupied every house or who occupied every room in a public lodging place.

I make no question about that, but the other two provisions that would send a farmer to jail because he would not tell the enumerator the number of acres he cultivated or the quality of the soil or the character of his crop, I maintain are clearly beyond the power of Congress, and likewise it is beyond our power to make an officer or director of a corporation come and lay down before the enumerator all the business of his enterprise. If you can do that with a corporation, Mr. President, you can do it with an individual, because a corporation has often been held to be a person within those protection clauses of the Constitution. I am not willing to see it said that an enumerator, too often without judgment and discretion, can be sent into every home in this land with an impudent inquiry as to the private affairs of the citizen. Such a proposition twenty years ago would have brought every man in America to his feet. It would have been regarded as an invasion of the privacy of his home and his business. We have gone on extending and extending the power of the Government until now a proposition like this excites little comment, and does not even justify a sufficient hope of success for me to make a motion to strike it from this bill.

Mr. LA FOLLETTE. I hope we may now have a vote. I should like to say to the Senator from Texas that twenty years ago the enumeration made by enumerators under the census law of that time were much more extended than now.

Mr. BAILEY. But never a provision to send a man to jail because he refused to answer. I do not object to the question, if the citizen chooses to answer. I possibly would commend him for it. I think it would be better if none of us had any secrets which we were unwilling to divulge. But the millennium will have come when that time comes. I am not anticipating it; but if a man declines to answer, whether it is important or unimportant, it is his own affair, and the law has no right to prize his mouth open to make him speak when he chooses to keep his own counsel.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 12, 1909, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 10, 1909.

ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

Samuel C. Hotchkiss to be assistant surgeon in the Public Health and Marine-Hospital Service.

POSTMASTERS.

NEW YORK.

James A. Johnston, at Marlboro, N. Y.

PENNSYLVANIA.

F. N. Boyle, at Nicholson, Pa.

Frank W. Leib, at Pottsville, Pa.

SENATE.

MONDAY, April 12, 1909.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

Mr. ANSELM J. McLAURIN, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Local Union No. 2566, United Mine Workers of America, of Denning, Ark., praying for the imposition of a duty on crude oil, which was ordered to lie on the table.

He also presented a petition of members of the Bar Association of the Territory of Hawaii, praying that in the appointment of judicial officers in the United States courts of that Territory none but residents be appointed, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New York, Missouri, Iowa, Virginia, Maine, Michigan, and Washington, D. C., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURNHAM presented a memorial of the city council of Berlin, N. H., remonstrating against any reduction of the duty on print paper, wood pulp, and lumber, which was ordered to lie on the table.

Mr. PERKINS presented a memorial of sundry business firms of San Francisco, Cal., remonstrating against any increase of the duty on bottle caps, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Santa Clara County, Cal., praying for the enactment of legislation to prohibit the immigration into the United States of all Asiatics except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. GALLINGER. I present a resolution of the city council of Berlin, N. H., which I ask to have read and referred to the Committee on Finance.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

Resolved by the city council of the city of Berlin, N. H., as follows: Believing that the removal or substantial reduction of the existing tariff rates on print paper, wood pulp, and lumber would work a serious and irreparable injury to two of our most important industries, upon which several thousand of our people depend for a living, and compel the stripping of our forests of all soft wood now usable for lumber or pulp, earnestly protest against the removal or reduction of the existing duties and ask our Senators and Members of the House of Representatives in Congress to do everything in their power to retain the duties upon print paper, wood pulp, and lumber as they now are.

Mr. CULLOM presented a petition of sundry employees of the Chester Knitting Mills, of Chester, Ill., praying for an increase of the duty on hosiery, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Decatur, Murphysboro, Chicago, Venice, Braidwood, Springfield, and Danville, all in the State of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Wisconsin, remonstrating against any reduction of the duty on print paper and wood pulp, and praying for the enactment of legislation to prohibit the sale of foreign articles in the United States at less than the selling price in the country in which they are manufactured, which was ordered to lie on the table.

Mr. NELSON presented sundry affidavits to accompany the bill (S. 629) granting an increase of pension to Laura M. Hoard, which were referred to the Committee on Pensions.

Mr. LODGE presented petitions of sundry citizens of Boston, Woburn, Fall River, Lawrence, Rockport, Holyoke, and Lowell, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Mattapan, Roxbury, Roslindale, Boston, and Jamaica Plain, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Presque Isle, Spragues Mills, Sebasco, Portland, and Princeton, all in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Rumford, Me., remonstrating against any reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

MARCIA A. TAYLOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 31, submitted by Mr. DILLINGHAM on the 9th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Marcia A. Taylor, widow of George M. Taylor, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE TARIFF.

Mr. ALDRICH. From the Committee on Finance, I report back favorably, with amendments, the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes. I will state that the report is made on behalf of the majority of the committee. It is my purpose, in a moment, to move that when the Senate adjourns to-day it adjourn to meet on Thursday, and I desire to give notice that at that time I shall ask the Senate to proceed to the consideration of the bill which I now report.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. ALDRICH. I move that when the Senate adjourns to-day, it be to meet on Thursday next.

Mr. DANIEL. Mr. President, before that motion is put, I desire to say—

Mr. ALDRICH. I withdraw the motion, if the Senator from Virginia desires to address the Senate.

Mr. DANIEL. That is not necessary.

Mr. ALDRICH. The motion is not debatable. I shall withdraw it for the time being.

Mr. DANIEL. I am very much in favor of the motion, and for the reason that the Democratic members of the Finance Committee, myself included, have as yet had no opportunity to read this bill, or to know anything about its contents. They have been virtually eliminated from their proper preliminary service of committeemen; that is, from any opportunity to know what has passed with the committee; what are its sources of information or its reliability, and from the benefit of the counsel of that committee in forming their own opinions. They would have much liked to have had that opportunity. Parliamentary law contemplates that it shall be given.

I have been told, and I will not deny the assertion, for I do not know, that this has been the custom of the Finance Committee of this body in regard to the tariff. If so, the maxim of the common law applies, *malus usus abolendus est*. It is a practice more honored in the breach than in its observance. It deprives a Member of this body who is appointed to perform a public function of the chance to do so in any reasonable way.

We had the opportunity to vote upon one question. I do not recall that at any time there was an opportunity to vote upon any other. It was the question whether or not this bill should be favorably reported. Of course, we voted "No," for we knew nothing about it, and had no chance to know.

I think it due to the Democrats of this body and to the country that it should be known that they have had no chance except such as was filtered to them through their Republican associations to form an opinion about the bill. Of course, everybody knows that the Republican party has been charged by the country with the majority rule in this body, and therefore not only has the right, but the apparent duty, to frame a tariff bill. We can not object to any source the individual Members may apply to for their information; we can not object that the administration should afford them every facility in